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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

HOUSING AND HOME FINANCE AGENCY

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (6) is added to § 6.142 as set out below.

§ 6.142 *Housing and Home Finance Agency—(a) Office of the Administrator.* * * *

(6) Until December 31, 1955, six Regional Administrators.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-3125; Filed, Apr. 14, 1955; 8:51 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, paragraph (e) (14) is added to § 6.312 as set out below.

§ 6.312 *Department of Commerce.* * * *

(e) *Business and Defense Services Administration.* * * *

(14) Chairman, Industry Evaluation Board.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-3109; Filed, Apr. 14, 1955; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, Amdt. 2]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

AMENDMENT OF ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS UNDER REGULATIONS SUPPLEMENTARY TO KHAPRA BEETLE QUARANTINE

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76-2, 20 F. R. 1012) under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), administrative instructions issued as 7 CFR 301.76-2a (20 F. R. 1237), effective March 1, 1955, as amended effective March 29, 1955 (20 F. R. 1878), are hereby further amended in the following respects:

a. The designation as regulated areas of the following warehouses, mills, and other premises, included in the list contained in such instructions, is hereby revoked, and the reference to such premises in the list is hereby deleted, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises:

CALIFORNIA

Angiola Elevator and Warehouse Co., Alpaugh.

Central Union High School Warehouse, 1001 Brighton Street, El Centro.

Continental Warehouse Co., 600 L Street, Imperial.

Ray Harwell Ranch, Sandal Canal, Brawley.

Clifford Hatfield, 616 North H Street, Imperial.

O. H. Kruse Grain & Milling Co., 1459 North Tyler Avenue, El Monte.

Newman Seed Co., East Main Street, El Centro.

W. Upshaw, P. O. Box 523, ¾ mile west of north city limits, Imperial.

Wheatley Bros. Ranch, Imperial.

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CFR SUPPLEMENTS (For use during 1955)

The following Supplements are now available:

Title 9 (\$0.65)
Title 20 (\$0.75)
Title 24 (\$0.75)
Titles 40-42 (\$0.50)

Previously announced: Title 3, 1954 Supp. (\$1.75); Title 7: Parts 1-209 (\$0.60); Title 18 (\$0.50); Title 19 (\$0.40); Title 25 (\$0.50); Titles 30-31 (\$1.25); Title 49: Parts 1-70 (\$0.60); Parts 91-164 (\$0.50); Part 165 to end (\$0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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b. The following premises are added to the list, contained in such instructions, of warehouses, mills, and other premises in which infestations of the khapra beetle have been determined to exist. Such premises are thereby designated as regulated areas within the meaning of said quarantine and regulations:

CALIFORNIA

Rosie Dikkenboeker Ranch, County Road No. 68, ½ mile west of Highway 111, Calipatria.
C. B. Dunlap Ranch, on north side of Huffman Road, ½ mile south of Sites.
Pete Gardner Ranch, ½ mile south of Cemetery Road on west side of unnamed road, ½ mile east of Evergreen Cemetery, 2 miles east of Courthouse, El Centro.
J. D. Heiskell & Company, Inc., 116 West Cedar Street, Tulare.

Clarence Keel Ranch, Highway 111, 4 miles north of Calipatria.

Henry Munger Feed Lot, 299 Main Street, El Centro.

A. C. Musser Ranch, on north side of Myers Road, 1/2 mile west of Highway 99W, Williams.

Niland Food Market (Store), west side of 200 block, east side of Highway 111, Niland. Rudinick Trust Seed Lot, 1 1/2 miles west of Oak Street, on Panama Lane, Bakersfield.

Alice Sinclair Ranch, Vail Canal No. 3, Gate 309, 5 1/2 miles west, thence 1/2 mile north of Calipatria, on northwest corner of intersection of West I and County Road 66, Calipatria.

Wildlife Refuge Unit No. 1, at northeast corner of intersection of West I and County Road 60, Brawley.

Wildlife Refuge Unit No. 2, on east side of West I, 1/4 mile north of County Road 74, Brawley.

c. The item appearing in the list, contained in such instructions, as "D. S. Baldwin & Son Ranch, Route 3, Box 758, Bakersfield, California" is changed to read: B. S. Baldwin & Son Ranch, Route 2, Box 758, Bakersfield, California.

d. The items appearing in the list, contained in such instructions, as "A. E. Garr Ranch, on west side of Ninth Street, 1/2 block south of I Street, Williams, California" and as "Abe Carr Ranch, West side of Ninth Street, 1/2 block south of I Street, Williams, California" are deleted and the following is substituted therefor: "Abe Garr Ranch, on west side of Ninth Street, 1/2 block south of I Street, Williams, California."

e. The item appearing in the list, contained in such instructions, as "Desert Seed Company, Commercial and RR., El Centro, California" is changed to read: "Desert Seed Company, Commercial and RR., El Centro, California."

This amendment shall be effective April 15, 1955.

This amendment revokes the designation as regulated areas of a number of warehouses, mills, and other premises, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds additional premises to the list of warehouses, mills, and other premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations. It further corrects certain designations of presently regulated areas.

This amendment supplements khapra beetle quarantine regulations already effective. It also relieves restrictions insofar as it revokes the designation of certain regulated areas. It must be made effective promptly in order to carry out the purposes of the regulations and to permit unrestricted movement of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good

cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 8, 37 Stat. 318, as amended, 7 U. S. C. 161)

Done at Washington, D. C., this 12th day of April 1955.

[SEAL]

E. D. BURGESS,
Acting Chief,
Plant Pest Control Branch.

[F. R. Doc. 55-3128; Filed, Apr. 14, 1955; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6254]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SPADA DISTRIBUTING CO., INC.

Subpart—Discriminating in price under section 2, Clayton Act, as amended—Payment or acceptance of commission, brokerage, or other compensation under 2 (c): § 3.820 Direct buyers. In connection with the purchase of food products in commerce, receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of food products or other commodities made for its own account, or where the respondent is the agent, representative, or other intermediary acting for, or in behalf of, or subject to the direct or indirect control of any buyer; prohibited.

(Sec. 2 (c), 49 Stat. 1527; 15 U. S. C. 13 (c))
[Cease and desist order, Spada Distributing Company, Inc., Portland, Oreg., Docket 6254, March 11, 1955]

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission, which charged respondent with receiving and accepting, directly or indirectly, commissions, brokerage fees or other compensation, allowances or discounts in lieu thereof from sellers in connection with the purchase in commerce of food products for its own account, in violation of subsection (c) of section 2 of the Clayton Act, as amended by the Robinson-Patman Act, and upon a Stipulation for Consent Order disposing of all the issues involved in the proceeding, submitted to the hearing examiner pursuant to agreement entered into by respondent through its president with counsel supporting the complaint.

By the terms of said stipulation, respondent admitted all the jurisdictional allegations set forth in the complaint, and agreed that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance therewith, and all parties requested that the answer of respondent, theretofore filed, be withdrawn, and expressly waived the filing of answer, a hearing before a hearing examiner of the Commission, the making of findings as to the facts or conclusions of law by

the hearing examiner or the Commission, the filing of exceptions and oral argument before the Commission and all further and other procedure before the hearing examiner and the Commission to which respondent might be entitled under the Clayton Act, as amended, or the rules of practice of the Commission.

It was further agreed by respondent that the order contained in the stipulation should have the same force and effect as if made after full hearing, presentation of evidence and findings and conclusions thereon, respondent specifically waiving any and all right, power, or privilege to challenge or contest the validity of such order, and that said Stipulation for Consent Order, together with the complaint, should constitute the entire record in the proceeding, upon which the initial decision should be based, and it was further set forth that the complaint in the matter might be used in construing the terms of the order, which might be altered, modified, or set aside in the manner provided by statute for orders of the Commission, and that the signing of said Stipulation for Consent Order was for settlement purposes only, and did not constitute an admission by respondent of any violation of law alleged in the complaint.

Thereafter, said hearing examiner made his initial decision in which he set forth the aforesaid matters and his conclusion, in view of the facts above indicated and the further fact that the order embodied in the aforesaid stipulation was identical with the order accompanying the complaint, that such order would safeguard the public interest to the same extent as could be accomplished by the issuance of an order after full hearing and all other adjudicative procedure waived in said stipulation, and, accordingly, in consonance with the terms thereof, granted the request for withdrawal of respondent's answer, accepted the Stipulation for Consent Order submitted in the matter, found that the proceeding was in the public interest, and issued order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII, became the decision of the Commission on March 11, 1955.

Said order is as follows:

It is ordered, That respondent Spada Distributing Company, Inc., a corporation, its officers, and its respective representatives, agents, or employees, directly or indirectly, or through any corporate or other device, in connection with the purchase of food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or

discount in lieu thereof, upon or in connection with any purchase of food products or other commodities made for its own account, or where the respondent is the agent, representative, or other intermediary acting for, or in behalf of, or subject to the direct or indirect control of any buyer.

By "Decision of the Commission and Order to File Report of Compliance," Docket 6254, March 11, 1955, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That respondent Spada Distributing Company, Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: March 11, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. D. Doc. 55-3127; Filed, Apr. 14, 1955;
8:51 a. m.]

[Docket 6274]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NORTHERN BROKERAGE CO. ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2 (c): § 3.800 *Buyers' agents*; § 3.820 *Direct buyers*. In connection with the purchase of food products in commerce, and on the part of respondent, Northern Brokerage Co., its officers, respondent George M. Krischel, individually and as an officer of Northern Brokerage Co. and Northern Produce Exchange Co., and their respective representatives, etc., directly or indirectly, or through any corporate or other device in aforesaid connection, receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, upon any purchase of food products by or for the account of Northern Produce Exchange Co., where George M. Krischel or any other officer of the Northern Brokerage Co. are officers of or have a substantial stock ownership in or control of Northern Produce Exchange Co., either directly or through family ownership of the stock, or where either of the respondents, Northern Brokerage Co. or George M. Krischel, or both, are the agents, representatives or other intermediaries, or where it or he is acting for or in behalf of, or where it or he is subject to the direct or indirect control of Northern Produce Exchange Co., or any other buyer; and, in the aforesaid connection, and on the part of respondent Northern Produce Exchange Co., its of-

ficers, respondent George M. Krischel, while an officer of or major stockholder in said corporation, and their respective representatives, directly or through any corporate or other device, in said connection, receiving or accepting, directly or indirectly, from any seller anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon any purchase of food products by or for their account or the account of any of them; prohibited.

(Sec. 2 (c), 49 Stat. 1527; 15 U. S. C. 13 (c))
[Cease and desist order, Northern Brokerage Co. et al., Rockford, Ill., Docket 6274, March 10, 1955.]

In the Matter of Northern Brokerage Co., a Corporation, Northern Produce Exchange Co., a Corporation, and George M. Krischel, Individually and as President of Northern Brokerage Co. and Vice President of Northern Produce Exchange Co.

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission, which charged respondents with violating and having violated the provisions of subsection (c) of section 2 of the Clayton Act, as amended by the Robinson-Patman Act, and upon respondents' answer, which admitted all the material allegations of fact set forth in said complaint, and which, as such an answer, under the provisions of Rule VIII (a) of the Commission's rules of practice, constituted a waiver of respondents' rights to a hearing as to the facts alleged in the complaint and of all other intervening procedure.

Thereafter, the hearing examiner, pursuant to the provisions of the aforesaid rule which also provides that when such an answer is filed, said examiner shall make findings as to the facts and conclusions based upon such complaint and answer, and issue an order disposing of the proceeding, made his initial decision in which, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, he made certain findings as to the facts and conclusions drawn therefrom, and, in consonance therewith, issued order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII, became the decision of the Commission on March 10, 1955.

Said order is as follows:

It is ordered, That the Respondent, Northern Brokerage Co., a corporation, its officers and the individual Respondent, George M. Krischel, individually and as an officer of Northern Brokerage Co. and Northern Produce Exchange Co., and

their respective representatives, agents, and employees, directly or indirectly, or through any corporate or other device in connection with the purchase of food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, upon any purchase of food products by or for the account of Northern Produce Exchange Co., where George M. Krischel or any other officer of the Northern Brokerage Company are officers of or have a substantial stock ownership in or control of Northern Produce Exchange Co., either directly or through family ownership of the stock, or where either of the Respondents, Northern Brokerage Co. or George M. Krischel, or both, are the agents, representatives or other intermediaries, or where it or he is acting for or in behalf of, or where it or he is subject to the direct or indirect control of Northern Produce Exchange Co., or any other buyer.

It is further ordered, That the Respondent Northern Produce Exchange Co., a corporation, its officers and the individual Respondent, George M. Krischel, while an officer of or major stockholder in said corporation, and their respective representatives, agents or employees, directly or through any corporate or other device, in connection with the purchase of food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from receiving or accepting, directly or indirectly, from any seller anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon any purchase of food products by or for their account or the account of any of them.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6274, March 10, 1955, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That respondents Northern Brokerage Co., a corporation, Northern Produce Exchange Co., a corporation, and George M. Krischel, individually and as President of Northern Brokerage Co. and Vice President of Northern Produce Exchange Co., shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 10, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-3110; Filed, Apr. 14, 1955;
8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 15—CEREAL FLOURS AND RELATED PRODUCTS: DEFINITIONS AND STANDARDS OF IDENTITY

IDENTITY STANDARDS FOR ENRICHED FARINA

In the matter of amending the definition and standard of identity for enriched farina:

On January 26, 1955, a notice of proposed rule making was published in the FEDERAL REGISTER (20 F. R. 565) setting forth a proposal to amend the definition and standard of identity for enriched farina (21 CFR 15.140) and allowing 30 days for interested persons to submit their views regarding the proposal. Upon consideration of the views presented and other relevant information, it is concluded that honesty and fair dealing in the interest of consumers will be promoted by amending the standard as proposed.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, as amended by 68 Stat. 54, 55; 21 U. S. C. 341) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), paragraph (a) (1) of § 15.140 *Enriched farina; identity; label statement of optional ingredients* is amended to read as follows:

(1) It contains in each pound not less than 2.0 milligrams and not more than 2.5 milligrams of thiamine, not less than 1.2 milligrams and not more than 1.5 milligrams of riboflavin, not less than 16.0 milligrams and not more than 20.0 milligrams of niacin or niacinamide, and not less than 13.0 milligrams of iron (Fe).

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of publication of this order in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, shall specify with particularity the provisions of the order deemed objectionable and the grounds for the objections, and shall request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective on the sixtieth day after its publication in the FEDERAL REGISTER, except as to any of its provisions that may be stayed by the filing of objections thereto. Notice of the filing of objections, or lack thereof, will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 401, 52 Stat. 1046, as amended 68 Stat. 54; 21 U. S. C. 341)

Dated: April 11, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-3121; Filed, Apr. 14, 1955; 8:50 a. m.]

PART 141c—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1953 Supp., Part 141e; 19 F. R. 1141) and certification of antibiotic and antibiotic-containing drugs (21 CFR, 1953 Supp., Parts 146c, 146e; 19 F. R. 673, 1141, 1541, 2014, 4405, 7229; 20 F. R. 1377) are amended as indicated below.

1. Section 141e.402 is amended by changing the section headnote and paragraph (a) to read as follows:

§ 141e.402 *Bacitracin ointment; zinc bacitracin ointment*—(a) *Potency.* Proceed as directed in § 141e.401 (a), except § 141e.401 (a) (3), and in lieu of the directions in § 141e.401 (a) (1) (iii), prepare the sample as directed in § 141a.8 (a) of this chapter. Its content of bacitracin or zinc bacitracin is satisfactory if it contains not less than 85 percent of the number of units per gram that it is represented to contain.

2. Section 141e.411 is amended by changing the section headnote and paragraph (a) (1) to read as follows:

§ 141e.411 *Bacitracin-neomycin ointment; zinc bacitracin-neomycin ointment*—(a) *Potency*—(1) *Bacitracin or zinc bacitracin content.* Proceed as directed in § 141e.402 (a). Its content of bacitracin or zinc bacitracin is satisfactory if it contains not less than 85 percent of the number of units per gram that it is represented to contain.

3. Section 146c.205 (c) (1) (iii) is changed to read as follows:

§ 146c.205 *Chlortetracycline powder.*
* * *

(c) *Labeling.* * * *

(1) * * *

(iii) The statement "Expiration date -----," the blank being filled in with the date that is 48 months after the

month during which the batch was certified if it is chlortetracycline hydrochloride powder, or with the date that is 24 months after the month during which the batch was certified if it is tetracycline hydrochloride powder or tetracycline powder or if it contains one or more vitamin substances: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

4. Section 146e.402 is amended in the following respects:

a. The section headnote and paragraph (a) are changed to read as follows:

§ 146e.402 *Bacitracin ointment; zinc bacitracin ointment*—(a) *Standards of identity, strength, quality, and purity.* Bacitracin ointment and zinc bacitracin ointment are composed of bacitracin or zinc bacitracin in a suitable and harmless ointment base, or they are a powder composed of bacitracin or zinc bacitracin and one or more suitable and harmless diluents, dispersing agents, and preservatives which, upon the addition of the quantity of water recommended in its labeling, produces an ointment. It may contain a suitable local anesthetic, cortisone, hydrocortisone, or a suitable ester of cortisone or hydrocortisone, one or more suitable sulfonamides, and, if it is intended solely for veterinary use and is conspicuously so labeled, one or more suitable antifungal agents or rotenone. Its potency is not less than 500 units per gram. Its moisture content is not more than 1 percent, except if it is a powder its moisture content is not more than 5 percent. The zinc bacitracin used conforms to the requirements of § 146e.418 (a). The bacitracin used conforms to the requirements of § 146e.401 (a), except § 146e.401 (a) (1), (2) and (4), but its potency is not less than 30 units per milligram. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. Paragraph (b) *Packaging* is amended by changing the word "bacitracin" in the first sentence to read "bacitracin or zinc bacitracin".

c. Paragraph (c) *Labeling* is amended by deleting the words "of bacitracin ointment" from the introductory sentence.

d. Paragraph (c) (1) (iii) is amended by changing the word "bacitracin" to read "bacitracin or zinc bacitracin".

e. Paragraph (c) (1) (iv) is amended by changing the colon after the word "certified" to a comma and inserting the following new clause: "except if it is zinc bacitracin ointment the blank is filled in with the date that is 24 months after the month during which the batch was certified: * * *".

f. Paragraph (c) (3) is amended to read as follows:

(3) On the label or labeling, if it contains, in addition to bacitracin or zinc bacitracin, one or more other active ingredients specified in paragraph (a) of

this section, after the name "bacitracin ointment" or "zinc bacitracin ointment," wherever such name appears, the words "with -----" in juxtaposition with such name, the blank being filled in with the common or usual name of each such other ingredient used.

g. In paragraph (d) *Request for certification*; samples, subparagraph (1) is amended by deleting the words "of bacitracin ointment" and changing the words "bacitracin used" to read "bacitracin or zinc bacitracin used".

h. Paragraph (d) (2) (ii) is changed to read as follows:

(ii) The bacitracin or zinc bacitracin used in making the batch; potency, toxicity, moisture, pH, and zinc content, if it is zinc bacitracin.

i. Paragraph (d) (3) is amended by renumbering subdivision (iii) as (iv) and inserting the following new subdivision (iii) between subdivision (ii) and renumbered subdivision (iv):

(iii) The zinc bacitracin used in making the batch; 5 packages, each containing approximately equal portions of not less than 1.0 gram, packaged in accordance with the requirements of § 146e.418 (b).

j. Paragraph (d) (4) is amended by changing "(3) (ii)" to read "(3) (ii) or (iii)".

k. Paragraph (e) *Fees* is amended by deleting the words "of bacitracin ointment" from the introduction to the paragraph and by changing the words "and (iii)" in subparagraph (1) to read "(iii), and (iv)".

5. Section 146e.411 is amended in the following respects:

a. The section headnote and the introduction to paragraph (a) are revised to read as follows:

§ 146e.411 *Bacitracin-neomycin ointment; zinc bacitracin-neomycin ointment.* (a) Bacitracin-neomycin ointment and zinc bacitracin-neomycin ointment conform to all requirements and are subject to all procedures prescribed by § 146e.402 for bacitracin ointment and zinc bacitracin ointment, except paragraph (f) of that section, and except that:

b. Paragraph (a) (3) is amended by changing the word "bacitracin" to read "bacitracin or zinc bacitracin".

c. Paragraph (a) (4) is amended to read as follows:

(4) In addition to complying with the requirements of § 146e.402 (d), a person requesting certification of a batch shall submit with his request a statement showing the number of units of bacitracin or zinc bacitracin and the number of milligrams of neomycin in each gram of ointment, the batch mark, and (unless it was previously submitted) the results and the date of the latest tests and assays of the neomycin used in making the batch for potency, toxicity, moisture, and pH. He shall also submit in connection with his request a sample consisting of not less than 6 packages of the ointment and (unless it was previously submitted) a sample consisting of 5

packages containing approximately equal portions of not less than 0.5 gram each of the neomycin used in making such batch.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the *FEDERAL REGISTER*, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: April 7, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-3111; Filed, Apr. 14, 1955;
8:47 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 4—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

SUBPART E—OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH OR WELL-BEING

MOTOR-VEHICLE DRIVER AND HELPER

On February 2, 1955, notice was published in the *FEDERAL REGISTER* (20 F. R. 703) that, for purposes of clarification, the Secretary of Labor proposed to amend § 4.52 (b) (3) of the regulations (29 CFR Part 4, Subpart E). Interested persons were invited to submit their views in support of or in opposition to the proposed amendment within thirty days from the date of publication in the *FEDERAL REGISTER*. This period has now expired and no comments have been received.

Further study of the proposed amendment indicates that the reference contained therein to an individual who " * * * infrequently rides a passenger type motor vehicle * * * " must be clarified in this final order.

Now, therefore, pursuant to the authority vested in me by section 3 (1) of the Fair Labor Standards Act, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.) and Reorganization Plan No. 2 of 1946 adopted pursuant to the Reorganization Act of 1945 (59 Stat. 613) and in accordance with the procedure Governing Determinations of Hazardous Occupations (29 CFR Part 4, Subpart D (Note § 4.45)), I, James P. Mitchell, Secretary of Labor, hereby amend § 4.52 (b) (3) of the regulations (29 CFR Part 4, Subpart E) to read as follows:

§ 4.52 *Motor-vehicle driver and helper* (Order 2). * * *

(b) *Definitions.* * * *

(3) The term "helper" shall mean any individual, other than a driver, whose work includes riding on a motor vehicle for the purpose of assisting in transporting or delivering goods, but shall not apply to an individual riding in a passenger-type motor vehicle.

(Sec. 3, 52 Stat. 1060, as amended; 29 U. S. C. 203)

This amendment shall become effective on May 16, 1955.

Signed at Washington, D. C., this 8th day of April 1955.

JAMES P. MITCHELL,
Secretary.

[F. R. Doc. 55-3103; Filed, Apr. 14, 1955;
8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XI—National Guard and State Guard, Department of the Army

PART 1101—NATIONAL GUARD REGULATIONS

ENLISTED MEN

1. In § 1101.14, subparagraphs (9) and (10) of paragraph (b) are revised, subparagraph (11) of paragraph (b) is revised, paragraph (b-1) is added, and paragraph (c) (3) is revised, as follows:

§ 1101.14 *Qualifications for enlistment.* * * *

(b) *Persons not authorized to be enlisted.* * * *

(9) [Revoked.]

(10) [Revoked.]

(11) A person who is a member of: (i) The Army, Navy, Air Force, U. S. Marine Corps, U. S. Coast Guard, Coast and Geodetic Survey; (ii) Any reserve component of the Armed Forces, Navy ROTC, and Advanced AF ROTC, unless release from such membership from the appropriate authority is presented.

(b-1) *Individuals drawing disability compensation from the United States Government.* (1) Applicants for enlistment who are drawing disability compensation from the United States Government are eligible for enlistment in the National Guard provided they are otherwise qualified and provided further that they waive, in advance for the fiscal year, that portion of their disability compensation pay for the days for which they receive Federal pay for services as members of the federally recognized National Guard.

(2) Each applicant will be advised that it is his personal responsibility to preclude dual payment to him of compensation from the Veterans' Administration and Federal pay for his services in the National Guard for the same period of time, including armory drills, field training and other inactive or active duty for training.

(c) *Persons whose enlistment requires waivers or special authority prior to enlistment.* * * *

(3) *Dependency and hardship.* (i) A person who was previously discharged from one of the Armed Forces of the United States for hardship or depend-

ency may not be accepted for enlistment (or reenlistment) unless it has been determined by investigation that the reasons for which discharged no longer exist. An affidavit giving reasons for discharge, how they have been overcome, and that he will be available and not request discharge on account of dependency or hardship in the event of an emergency, will be obtained from the applicant.

(ii) Any other person with 4 or more dependents may not be accepted for enlistment (or reenlistment) unless it has been determined by investigation that applicant will be available and will not request discharge on account of dependency or hardship in the event of an emergency and an affidavit to this effect is obtained from the applicant.

(iii) Affidavits mentioned in subdivisions (i) and (ii) of this subparagraph will be obtained prior to administering the oath and a copy thereof will be securely attached to each copy of the enlistment record.

2. In § 1101.15, paragraph (c) (2) is revised as follows:

§ 1101.15 Enlistments. * * *

(c) Enlistment and administration of oath. * * *

(2) Any officer of the National Guard so authorized by the laws of the State may administer the State and Federal oaths. Oaths of enlistment may not be administered by warrant officers. Federal inspectors also may administer oaths under the provisions of National Guard Regulations.

[C1, NGR 25-1, Feb. 18, 1955] (Sec. 118, 39 Stat. 213; 32 U. S. C. 17)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-3122; Filed, Apr. 14, 1955;
8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 6 (INS-1, 4th Revision)]

INS-1—MARINE PROTECTION AND INDEMNITY INSURANCE INSTRUCTIONS UNDER GENERAL AGENCY AND BERTH AGENCY AGREEMENTS

Effective as of March 31, 1955, midnight, e. s. t., NSA Order No. 6 (INS-1, Third Revision), published in the FEDERAL REGISTER issue of June 18, 1954 (19 F. R. 3625) is hereby revised to read as follows:

Sec.

1. What this order does.
2. Insurer.
3. Assured.
4. Vessels insured and terms of insurance.
5. Assumption of risk by owner and attachment and cancellation dates of commercial insurance.
6. Issuance of policies or certificates by Underwriter.
7. Insurance premiums.

Sec.

8. Reports of accidents and occurrences.
9. Settlement of claims.
10. Litigation and employment of counsel.
11. Report of claims.
12. Application and interpretation of this order.

AUTHORITY: Sections 1 to 12 issued under sec. 204, 49 Stat. 1937, as amended: 46 U. S. C. 1114.

SECTION 1. *What this order does.* Effective as of March 31, 1955, midnight, e. s. t., this order prescribes instructions with respect to the placing of commercial marine protection and indemnity (referred to in this order as "P & I") insurance and the handling of claims of a P & I insurance nature, required to be followed by General Agents and Berth Agents under General Agency Agreements and Berth Agency Agreements respectively, with the United States of America, acting by and through the Director, Office of National Shipping Authority, Maritime Administration, Department of Commerce (referred to in this order as the "Owner").

SEC. 2. *Insurer.* National Automobile and Casualty Co. of Los Angeles, California (referred to in this order as the "Underwriter"), acting by and through Maritime Agencies, Inc., 2 Pine Street, San Francisco 11, California (referred to in this order as the "Underwriting Agent"), entered into an insuring agreement with the Owner covering the period from March 31, 1955, midnight, e. s. t., to March 31, 1956, midnight, e. s. t.

SEC. 3. *Assured.* The assureds are (a) the United States of America, acting by and through the Director, Office of National Shipping Authority, Maritime Administration, Department of Commerce, and (b) its General Agents and Berth Agents, and Sub-Agents acting on behalf of either.

SEC. 4. *Vessels insured and terms of insurance.* The Underwriter has agreed to provide P & I insurance with respect to General Agency vessels operated in the employment of the Military Sea Transportation Service (referred to in this order as "MSTS"), for a period of one year from midnight, e. s. t., March 31, 1955, at an annual rate of \$1.72 per gross registered ton on a daily pro rata basis, attaching as provided in section 5 (a), (b), (c), (d), and (e) of this order and terminating as of midnight, e. s. t., March 31, 1956, or in accordance with section 5 (c), (f), (g), (h), or (i) of this order, subject however to a subsequent premium adjustment in accordance with the Underwriters Mutual Participating Plan; which provides that the ultimate premium cost for the year may be increased or decreased depending upon the Underwriters "Incurred Loss and/or Expense Costs", limited however to a maximum of 125 percent and a minimum of 75 percent of the Standard Premium. This insurance covers the vessels' liability of a P & I insurance nature except for any loss, damage or expense in respect to cargo, including baggage and personal effects of passengers, if any, or cargo's proportion of general average or special charges, or in any

other way relating to cargo which is to be carried, is being carried, or has been carried on board such vessels. The limit of liability in any claim shall be \$250,000 for each accident or occurrence per vessel, with a deduction of \$500 for each accident or occurrence resulting in personal injury, illness, or death, and \$250 for each accident or occurrence of other types except "putting in" and burial expenses. Claims for "putting in" and burial expenses are not subject to any deduction. The Underwriter has agreed to accept liability not to exceed \$200 for burial expenses.

SEC. 5. *Assumption of risk by Owner and attachment and cancellation dates of commercial insurance.*—(a) *Vessels allocated and delivered to General Agents at fleet site under General Agency Agreement, 3-19-51.* When vessels are allocated and delivered to General Agents at fleet site, the Owner will assume the risks of a P & I insurance nature from the date and hour of the vessel's delivery to the General Agent to the date and hour of their departure from the last repair yard prior to the commencement of operations under the agreement. As of that time, the P & I risks shall be commercially insured with the Underwriter, and the General Agents shall arrange with the Underwriting Agent to have the insurance attached as of the date and hour of the vessel's departure from the repair yard.

(b) *Vessels delivered from bareboat charter and allocated for operation under General Agency Agreement 3-19-51.* When vessels are delivered from bareboat charter and delivered to General Agents for operation under General Agency Agreement 3-19-51, the P & I insurance risks shall be commercially insured with the Underwriter and the General Agents shall arrange with the Underwriting Agent to have P & I insurance attached as of the date and hour of the vessel's delivery under the Agreement.

(c) *Vessels transferred from one General Agent to another under General Agency Agreement 3-19-51.* When a vessel is withdrawn from operation under one General Agent and allocated to another for operation, the respective General Agents shall, unless advised to the contrary, arrange with the Underwriting Agent for the termination and reattachment of P & I insurance as of the respective dates and hours of redelivery and delivery of the vessel from and to the respective General Agents.

(d) *New vessels allocated and delivered under General Agency Agreement 3-19-51.* When new vessels are allocated and delivered to General Agents directly from the builder's yard, the General Agents shall, unless advised to the contrary, arrange for commercial P & I insurance with the Underwriter and request the Underwriting Agent to have the insurance attach as of the date and hour of the vessel's delivery under the Agreement.

(e) *Vessels presently in operation under General Agency Agreement 3-19-51.* In respect to the vessels in operation on the effective date of the new P & I insurance contract, the General Agents shall

immediately declare such vessels to the Underwriting Agent and/or Underwriter, and the insurance shall attach on each such vessel in accordance with the new P & I insurance contract as of midnight, e. s. t., March 31, 1955.

(f) *Vessels designated for lay-up.* General Agents shall terminate the commercial P & I insurance on these vessels as of midnight, e. s. t., of the day the crew signs off Articles and the Owner will assume all risks of a P & I insurance nature occurring subsequent to that time.

(g) *Vessels designated for Fleet Custody Status.* General Agents shall terminate the commercial P & I insurance on these vessels as of the date and hour of their delivery to the reserve fleet.

(h) *Vessels in reduced operational status and subsequently designated for fleet custody status.* General Agents shall terminate the commercial P & I insurance on these vessels as of the date and hour of their delivery to the reserve fleet.

(i) *Vessels in reduced operational status and subsequently designated for stripping and lay up.* General Agents shall terminate the commercial P & I insurance on these vessels as of midnight, e. s. t., of the date they receive notice to the effect that the vessels are designated for stripping and lay up.

(j) *Notice of attachment and termination of insurance.* General Agents shall promptly notify the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C., of the date and hour of the attachment or of the termination of P & I insurance after either is effected in accordance with paragraphs (a), (b), (c), (d), (e), and (f), (g), (h), or (i) of this section.

SEC. 6. Issuance of policies or certificates by Underwriter. The Underwriting Agent, upon receipt of applications from General Agents, will arrange for execution and delivery of the Underwriter's policy and/or certificates to such General Agents with respect to each vessel named in such applications. The Underwriting Agent will also obtain and furnish such copies of policies and/or certificates as may be required by the Owner and the General Agents. The original of all policies and/or certificates shall be promptly forwarded by each General Agent to the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Department of Commerce, Washington 25, D. C. Upon cancellation of this insurance, the Underwriter will issue an endorsement with respect to such cancellation, showing the cancellation date and amount of return premium.

SEC. 7. Insurance premiums—(a) Payment of premiums. Premiums for P & I insurance provided under the policies shall be paid by each General Agent quarterly, in advance, for the period from the date of attachment of such insurance to March 31, 1956, midnight, e. s. t. Broker's discount, if any, shall be allowed, but in no event to exceed 5 percent of the annual premiums.

(b) *Return premiums.* Each General Agent shall be responsible for collection

or obtaining credit for return premiums provided for in the current policy for all vessels insured with the Underwriter pursuant to this order. Such return premiums shall be computed in accordance with the provisions of such policy. Statements or credit memoranda shall be obtained in duplicate from the Underwriter; the originals thereof shall be filed in the General Agent's office and shall be subject to inspection by the Owner's auditors. The duplicate copies thereof shall be forwarded to the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Department of Commerce, Washington 25, D. C.

SEC. 8. Reports of accidents and occurrences—(a) Reports to Underwriter. All accidents and occurrences of a P & I insurance nature, arising subsequent to the attachment of P & I insurance (as provided in section 5 of this order) shall be promptly reported by General Agents to the Underwriter and/or the Underwriting Agent, together with all available information. The General Agents shall also obtain the names of the Underwriter's outport representatives from the Underwriting Agent and supply such information to the Master of each vessel so that he may report to and/or obtain from these representatives such information and assistance as may be required under the circumstances.

(b) *Reports to Owner.* All accidents and occurrences of a P & I insurance nature, arising prior to the attachment and subsequent to the termination of this insurance (as provided in section 5 of this order), shall be reported to the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C.

SEC. 9. Settlement of claims—(a) On risks insured under commercial marine protection and indemnity policies. General Agents of vessels described in this order are hereby authorized to settle without prior approval, all claims of a P & I insurance nature where the settlement amounts do not exceed the applicable deductions set forth in the P & I policy. When the proposed settlement amounts of such claims exceed the applicable deductions, General Agents shall obtain the Underwriter's approval of the proposed settlements and, immediately after payment in full, or, of any portion thereof over the applicable deductions, make formal claim for reimbursement from the Underwriter. All claims which do not exceed the deductions in the policy are chargeable to vessel expense and shall be accounted for in accordance with current accounting and/or auditing instructions. When settling any claim, the General Agent shall advise the claimant that such settlement is not to be construed as an admission of liability by or on behalf of the Owner, or its General Agents and Berth Agents or their Sub-Agents, but that the settlement is a compromise of a disputed claim. General Agents shall be expected to apply sound judgment and follow standard practices of steamship operators in the settlement or other disposition of P & I claims and shall avail themselves of the advice and assistance of the Underwriter,

and may also consult with the appropriate District Counsel of the Maritime Administration, and the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C. Berth Agents shall furnish reports and render all necessary assistance to the General Agents in handling P & I insurance claims. A claim shall be settled only when the amount of the settlement is reasonable under the circumstances, is adequately supported, and is in the best interests of the United States.

(b) *On risks assumed by the Owner.* General Agents are hereby authorized to settle claims of a P & I insurance nature, arising under conditions where the risk is assumed by the Maritime Administration (as set forth in section 5 of this order) without prior approval, provided the proposed settlement amount of each claim does not exceed \$1,000. If the proposed settlement amount of any such claim exceeds \$1,000 the General Agent shall, prior to payment, obtain the approval of the proposed settlement from the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C. The amounts and costs of these settlements are chargeable to vessel operating expense and shall be accounted for in accordance with current accounting and/or auditing instructions. When settling any claim hereunder, General Agents shall be governed by the procedure and instructions set forth in paragraph (a) of this section insofar as applicable.

(c) *Claims declined by Underwriters.* Any claim of a P & I insurance nature, whether arising prior or subsequent to March 31, 1955, which has been declined by this Underwriter, or by any other Underwriters under prior insuring agreements, shall be forwarded to the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C., for review and further instruction.

SEC. 10. Litigation and employment of counsel. As to any suit arising out of the activities of a General Agent in the course of his official duties, wherein the General Agent is named a party or one of the parties respondent or defendant, and whether or not the risk is covered by P & I insurance, such General Agent shall immediately, by air mail, forward copies of the pleadings and all other related legal documents to the General Counsel, Maritime Administration, Department of Commerce, Washington 25, D. C., and to the Attorney General, Admiralty and Shipping Section, Department of Justice, Washington 25, D. C. No General Agent, Berth Agent, or Sub-Agent, shall incur any legal expenses in connection with any claim covered by P & I insurance unless approved in advance by the Underwriter, or in connection with any other claim unless approved in advance by the General Counsel, Maritime Administration, except in an emergency where time will not permit such approval to be obtained.

In addition to the foregoing, in the case of any attachment or seizure of a vessel, whether or not the risk is covered

by P & I insurance, the General Agent shall immediately, by telegram, radio, or cable, notify the nearest Maritime Administration representative or the General Counsel, Maritime Administration, Washington 25, D. C.

SEC. 11. *Report of claims.* (a) All General Agents shall submit to the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C., quarterly reports of all claims, listed separately under the following categories, showing:

- (1) *Insured claims, paid or closed.*
 - (i) Amount of claim,
 - (ii) Amount paid, if any,
 - (iii) Amount of deductible, and
 - (iv) Amount, if any, collected from Underwriter.

- (2) *Insured claims pending.* (i) Amount of claim,
 - (ii) Amount, if any, paid to date,
 - (iii) Amount of deductible, and
 - (iv) Amount, if any, collected from Underwriter.

- (3) *Claims paid or closed under risks assumed by Owner.* (i) Amount claimed and,

- (ii) Amount paid, if any.
- (4) *Claims pending under risks assumed by Owner.* (i) Amount claimed, and

- (ii) Amount paid, if any.
- (b) The lists shall also contain, with respect to each claim, the name of the vessel(s) involved; date and nature of occurrence; name of claimant(s); whether or not in litigation; status of claim; and amount of loss or damage estimated as probable future cost.

(c) The first of such reports shall cover the quarterly period ending June 30, 1955, and shall be submitted as soon as possible after said date. Subsequent reports shall be made promptly after the conclusion of each quarterly period thereafter. A claim previously reported as closed shall not be reported on subse-

quent statements unless it is reopened. The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

SEC. 12. *Application and interpretation of this order.* General Agents shall communicate directly with the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C., regarding all questions of application, interpretation, or intent of this order.

Notice and public procedure are not necessary prerequisites to the promulgation of this revised order. This revised order makes no substantial change in the prior rules and it is in the public interest that the effective date shall be March 31, 1955; accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Approved: March 31, 1955.

C. H. McGUIRE,
Director,
Office of National Shipping Authority.

[F. R. Doc. 55-3130; Filed, Apr. 14, 1955;
8:52 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY ALLOWABLE FEES AND CHARGES

In the schedule of permissible fees and charges appearing in paragraph (d) of § 36.4312, paragraphs C and D of Part I are amended to read as follows:

§ 36.4312 Allowable fees and charges.

(d) *****

PART I—LOANS FOR THE PURCHASE, CONSTRUCTION, REPAIR, ALTERATION, OR IMPROVEMENT OF RESIDENTIAL PROPERTY (Sec. 501)

C. In cases where a lender makes advances to a veteran during the progress of construction, alteration, improvement, or repair, either under a commitment (VA Form 4-1866) of the Veterans' Administration to issue a guaranty certificate or insurance credit upon completion, or where the lender would be entitled to guaranty or insurance on such advances when reported under automatic procedure, the lender may make a charge against the veteran of not exceeding 2 percent of the amount of the loan for its services in supervising the making of advances and the progress of construction notwithstanding that the "holdback" or final advance is not actually paid out until after the construction, alteration, improvement or repair is fully completed: *Provided*, That the major portion (51 percent or more) of the loan proceeds is paid out during the actual progress of the construction, alteration, improvement or repair. Such charge may be in addition to the 1 percent charge allowed under paragraph B above.

D. In construction, alteration, improvement or repair loans including supplemental loans made pursuant to § 36.4355, where no charge is permissible under the provisions of paragraph C above, the lender may charge and the veteran may pay a flat sum not exceeding 1 percent of the amount of the loan. Such charge may be in addition to 1 percent allowed under paragraph B above.

(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

This regulation is effective April 15, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-3100; Filed, Apr. 14, 1955;
8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF ALDRIN

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act, as amended (sec. 408 (d) (1); 68 Stat. 512; 21 U. S. C. 348 (d) (1)), the following notice is issued:

A petition has been filed by Shell Chemical Corporation, 50 West Fiftieth Street, New York, New York, proposing establishment of a tolerance for aldrin of 1 part per million on each of the following:

Apples, pears, and quinces.
Avocados and papayas.
Berries of the bramble type.
Blueberries.
Cherries.
Citrus fruits (including grapefruit, lemons, oranges, and tangerines).
Cranberries.
Currants.
Dates.
Figs.
Gooseberries.
Grapes.
Guavas.
Peaches, nectarines, apricots, and mangoes.
Pineapples.
Plums and prunes.
Strawberries.
Artichokes.
Asparagus.
Beans (including black-eyed peas and soybeans).
Beets (garden variety), turnips and rutabagas (including tops).
Beets, sugar (including tops).
Broccoli, Brussels sprouts, kohlrabi.

Cabbage and cauliflower.
Carrots, horseradish, parsnips, and radishes (including tops).
Celery.
Collards, kale, mustard greens, spinach, and Swiss chard.
Corn, grain (including sweet, field, and popcorn).
Corn fodder or forage.
Cucumbers and summer squash.
Eggplant, peppers, and pimentos.
Endive (escarole), lettuce, and salsify.
Melons (including cantaloupes, muskmelons, watermelons), pumpkins, winter squash.
Okra.
Onions (including leeks, shallots, and garlic).
Parsley and watercress.
Peanuts.
Peas and cowpeas (including forage).
Tomatoes.
Grains (including oats, rye, barley, wheat, and rice).
Buckwheat.
Grain forage.
Nuts (including pecans, almonds, hazelnuts, walnuts, hickory nuts).

Legumes for forage (including clovers, alfalfa, soybean hay, peanut hay, and lespedeza).
 Grass crops (pasture and range grass, timothy, grass hay).
 Mint, spearmint, and peppermint.
 Sorghums.
 Sorghum forage.

Analytical methods for determining residues of aldrin referred to in the petition are:

Microbioassay of Insecticides with Special Reference to Aldrin and Dieldrin: Sun and Sun, Jour. Econ. Ent. 45, 26 (Feb. 1952).

Chemical Determination of Aldrin in Crop Materials: O'Donnell et al., Agri. and Food Chem. 2, 573 (May 26, 1954).

Dated: April 11, 1955.

[SEAL] GEO. P. LARRICK,
 Commissioner of Food and Drugs.

[F. R. Doc. 55-3119; Filed, Apr. 14, 1955;
 8:49 a. m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF DIELDRIN

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act, as amended (sec. 408 (d) (1)); 68 Stat. 512; 21 U. S. C. 348 (d) (1)), the following notice is issued:

A petition has been filed by Shell Chemical Corporation, 50 West Fiftieth Street, New York, New York, proposing that the tolerances for dieldrin on apples, pears, and quinces; peaches, nectarines, and apricots; cherries; and onions be amended by increasing the tolerances from 0.1 part per million to 1 part per million.

The petition also proposes that tolerances for dieldrin be established at 1 part per million on the following raw agricultural commodities:

Avocados and papayas.
 Berries of the bramble type.
 Blueberries.
 Citrus fruits (including grapefruit, lemons, oranges, and tangerines).
 Cranberries.
 Currants.
 Dates.
 Figs.
 Gooseberries.
 Grapes.
 Guavas.
 Mangoes.
 Pineapples.
 Plums and prunes.
 Strawberries.
 Artichokes.
 Asparagus.
 Beans (including black-eyed peas and soybeans).
 Beets (garden variety), turnips, and rutabagas (including tops).
 Beets, sugar (including tops).
 Broccoli, brussels sprouts, kohlrabi.
 Cabbage and cauliflower.
 Carrots, horseradish, parsnips, and radishes (including tops).
 Celery.
 Collards, kale, mustard greens, spinach, and Swiss chard.
 Corn, grain (including sweet, field, and popcorn).
 Corn fodder or forage.

Cucumbers and summer squash.
 Eggplant, peppers, and pimentos.
 Endive (escarole), lettuce, salsify.
 Melons (including cantaloupes, muskmelons, watermelons), pumpkins, and winter squash.

Okra.
 Parsley and watercress.
 Peanuts.
 Peas and cowpeas (including forage).
 Potatoes and sweetpotatoes.
 Tomatoes.
 Grains (including oats, rye, barley, wheat, rice).
 Buckwheat.
 Grain forage.
 Nuts (including pecans, almonds, hazelnuts, walnuts, hickory nuts).
 Legumes for forage (including clovers, alfalfa, soybean hay, peanut hay, lespedeza).
 Grass crops (pasture and range grass, timothy, grass hay).
 Mint, spearmint, and peppermint.
 Sorghum.
 Sorghum forage.

An analytical method for determining residues of dieldrin, referred to in the petition, is referenced: Sun and Sun—Microbioassay of Insecticides, with Special Reference to Aldrin and Dieldrin, Jour. Econ. Ent., 45, 26 (Feb. 1952).

Another method, designated in the petition as "Reduction-Phenyl Azide-Photometric Method for Dieldrin," is described in general terms as follows:

The specific determination of dieldrin is accomplished through the conversion of dieldrin to an aldrin-like compound, which is determined by the aldrin-phenyl azide procedure. This technique, known as the reduction-phenyl azide-photometric method, consists of the following essential steps: Dieldrin is heated with a mixture of acetic and hydrobromic acids which opens the epoxide ring to form a bromo-acetoxy derivative. Further heating in the presence of zinc dust reduces the bromo-acetoxy compound resulting in a partially dechlorinated aldrin-like compound having an olefinic bond in the unchlorinated bicycloheptene ring. The dieldrin reduction product is extracted into a hydrocarbon phase and is determined by the phenyl azide-photometric method as used for the determination of aldrin (O'Donnell et al.—Chemical Determination of Aldrin in Crop Materials, Agri. and Food Chem., 2, 573 (May 26, 1954)).

The method, based on the foregoing reactions and in combination with the recommended cleanup procedures, is subject to less than 0.03 part per million interference as apparent dieldrin from the presence in the crop or tissues of 10 parts per million of aldrin, DDT, endrin, heptachlor, gamma isomer of benzene hexachloride, methoxychlor, or parathion; 3 parts per million of chlordane; or 1 part per million of toxaphene.

The precision of the method is ± 0.02 part per million from the mean of the duplicated analyses. The mean of triplicate results should not differ from the true value by more than ± 0.03 part per million.

Dated: April 11, 1955.

[SEAL] GEO. P. LARRICK,
 Commissioner of Food and Drugs.

[F. R. Doc. 55-3120; Filed, Apr. 14, 1955;
 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

BALTIMORE LIVESTOCK AUCTION MARKET, INC.

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the Baltimore Livestock Auction Market, Inc., West Friendship, Maryland, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 11th day of April 1955.

[SEAL] H. E. REED,
 Director, Livestock Division,
 Agricultural Marketing Service.

[F. R. Doc. 55-3112; Filed, Apr. 14, 1955;
 8:48 a. m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed rules should send them to the United States Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing, within 30 days after publication of this notice in the FEDERAL REGISTER.

Title 10, Chapter I, Part 50, Code of Federal Regulations, entitled "Control of Facilities for the Production of Fissionable Material" is hereby amended to read as follows:

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

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50.2	Definitions.
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INSPECTIONS, RECORDS, REPORTS	
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50.100	Revocation, suspension, modification, amendment of licenses and construction permits for cause.
50.101	Notice and opportunity for compliance prior to proceedings.
50.102	Retaking possession of special nuclear material.
50.103	Emergency action by the Commission.
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ENFORCEMENT	
50.120	Violations.

AUTHORITY: §§ 50.1 to 50.120 issued under sec. 103, 68 Stat. 936, sec. 104, 68 Stat. 937, sec. 161, 68 Stat. 948, sec. 182, 68 Stat. 953, sec. 183, 68 Stat. 954; 42 U. S. C. 2133, 2134, 2201, 2232, 2233. For the purposes of sec. 223, 68 Stat. 958, 42 U. S. C. 2273, sec. 50.54 (1) issued under sec. 1611, 68 Stat. 949, 42 U. S. C. 2201, and §§ 50.70 to 50.71 issued under sec. 161p., 68 Stat. 950, 42 U. S. C. 2201.

GENERAL PROVISIONS

§ 50.1 *Basis and purpose.* The regulations in this part are promulgated by the Atomic Energy Commission pursuant to the Atomic Energy Act of 1954 (68 Stat. 919), to provide for the licensing of production and utilization facilities.

§ 50.2 *Definitions.* As used in this part:

(a) "Production facility" means:

- (1) Any nuclear reactor designed or used primarily for the formation of plutonium or U-233, or

- (2) Any facility designed or used for the separation of the isotopes of uranium or the isotopes of plutonium, except laboratory scale facilities designed or used for experimental or analytical purposes only, or

- (3) Any facility designed or used for the chemical, physical, or metallurgical processing or fabricating or alloying of special nuclear material, except laboratory scale facilities designed or used for experimental or analytical purposes only.

(b) "Utilization facility" means any nuclear reactor other than one designed or used primarily for the formation of plutonium or U-233.

NOTE: Pursuant to sections 11p. and 11v., respectively, of the act, the Commission may from time to time add to, or otherwise alter, the foregoing definitions of production and utilization facility. It may also include as a facility an important component part especially designed for a facility, but has not at this time included any component parts in the definitions.

(c) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919) including any amendments thereto.

(d) "Agreement for cooperation" means any agreement with another nation or regional defense organization, authorized or permitted by sections 54, 57, 64, 82, 103, 104, or 144 of the act, and made pursuant to section 123 of the act.

(e) "Atomic energy" means all forms of energy released in the course of nuclear fission or nuclear transformation.

(f) "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

(g) "By-product material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(h) "Commission" means the Atomic Energy Commission or any representa-

tive of the Commission authorized to act in its behalf.

(i) "Common defense and security" means the common defense and security of the United States.

(j) "Defense information" means any information in any category determined by any Government agency authorized to classify information, as being information respecting, relating to, or affecting the national defense.

(k) "Design" means (1) specifications, plans, drawings, blueprints, and other items of like nature; (2) the information contained therein; or (3) the research and development data pertinent to the information contained therein.

(l) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government.

(m) "Nuclear reactor" means an apparatus, other than an atomic weapon, designed or used to sustain nuclear fission in a self-supporting chain reaction.

(n) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing.

(o) "Produce", when used in relation to special nuclear material, means (1) to manufacture, make, produce, or refine special nuclear material; (2) to separate special nuclear material from other substances in which such material may be contained; or (3) to make or to produce new special nuclear material.

(p) "Research and development" means (1) theoretical analysis, exploration, or experimentation; or (2) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

(q) "Restricted Data" means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142 of the act.

(r) "Source material" means source material as defined in section 11s. of the act and in the regulations contained in Part 40 of this chapter.

(s) "Special nuclear material" means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51

of the act, determines to be special nuclear material, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material.

(t) "United States", when used in a geographical sense, includes all Territories and possessions of the United States, and the Canal Zone.

§ 50.3 *Interpretations.* Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Manager, the General Counsel, or the Director of the Division of Licensing will be recognized to be binding upon the Commission.

REQUIREMENT OF LICENSE, EXCEPTIONS

§ 50.10 *License required.* Except as provided in § 50.11, no person within the United States shall transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, use, import, or export any production or utilization facility except as authorized by a license issued by the Commission.

§ 50.11 *Exceptions and exemptions from license.* Nothing in this part shall be deemed to require a license for:

(a) The manufacture, production, or acquisition by the Department of Defense of any utilization facility authorized pursuant to section 91 of the act, or the use of such facility by the Department of Defense or by a person under contract with and for the account of the Department of Defense;

(b) The processing, fabricating, or refining of special nuclear material, or the separation of special nuclear material, or the separation of special nuclear material from other substances, under contract with and for the account of the Commission;

(c) The construction or operation of production or utilization facilities under contract with and for the account of the Commission; or

(d) The transportation or possession of any production or utilization facility by a common or contract carrier or warehouseman in the regular course of carriage for another or storage incident thereto.

CLASSIFICATION AND DESCRIPTION OF LICENSES

§ 50.20 *Two classes of licenses.* Licenses will be issued to named persons applying to the Commission therefor, and will be either Class 104 or Class 103.

§ 50.21 *Class 104 licenses.* A Class 104 license will be issued, to an applicant who qualifies, to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, use, import, or export under the terms of an agreement for cooperation:

(a) A utilization facility for use in medical therapy; or

(b) A production or utilization facility involved in the conduct of research and development activities leading to the demonstration of the practical value of

the facility for industrial or commercial purposes; or

(c) A production or utilization facility, which is useful in the conduct of research and development activities of the types specified in section 31 of the act, and which is not a facility of the type specified in paragraph (b) of this section.

§ 50.22 *Class 103 licenses.* A Class 103 license will be issued, to an applicant who qualifies, to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, use, import, or export under the terms of an agreement for cooperation, a production or utilization facility which is of a type found in writing by the Commission, to have been sufficiently developed to be of practical value for industrial or commercial purposes.

§ 50.23 *Construction permits.* A construction permit will be issued preliminarily to the issuance of a license, for the construction or modification of a production or utilization facility, and will be converted upon due completion and Commission action into a license of the appropriate class.

APPLICATIONS FOR LICENSES, FORM, CONTENTS, INELIGIBILITY OF CERTAIN APPLICANTS

§ 50.30 *Applications for licenses, oath or affirmation.* Each application for a license, including whenever appropriate a construction permit, should be filed in triplicate with the Commission at 1901 Constitution Avenue, Washington 25, D. C., Attention: Division of Licensing. Each application shall be signed by the applicant or duly authorized officer thereof under oath or affirmation.

§ 50.31 *Combining applications.* An applicant may combine in one his several applications for different kinds of licenses under the regulations in this chapter.

§ 50.32 *Elimination of repetition.* In his application, the applicant may incorporate by reference, with adequate citation thereto, pertinent information already on file with the Commission or contained in another application filed simultaneously by him.

§ 50.33 *Contents of applications; general information.* Each application shall state:

(a) The full name, address, age (if an individual), and citizenship of the applicant. If the applicant is a corporation or other entity, it shall indicate the State where it was incorporated or organized, the location of the principal office, the names, addresses, and citizenship of its principal officers, and shall furnish information known to the applicant concerning the control or ownership, if any, exercised over applicant by any alien, foreign corporation, or foreign government.

(b) The class of license applied for, the applicant's technical and financial qualifications therefor, the use to which the facility will be put, the period of time for which the license is sought, and a list of other licenses, except operator's

licenses, issued or applied for in connection with the proposed facility.

(c) If the applicant proposes to construct or modify a production or utilization facility, the earliest and latest dates for completion of the construction or modification.

(d) If the proposed activity is the generation and distribution of electric energy under a Class 103 license, a list of the names and addresses of such regulatory agencies as may have jurisdiction over the rates and services of the proposed activity, and of those municipalities, private utilities, public bodies, and cooperatives, which are within transmission distance and which are authorized to engage in the distribution of electric energy within the area.

(e) Additional information, which the applicant may consider pertinent or the Commission may request. If the application contains Restricted Data or other defense information it shall be prepared in such manner that all Restricted Data and other defense information are separated from the unclassified information.

§ 50.34 *Contents of applications; technical information.* To the extent appropriate for the type license, each application shall state the following technical information:

(a) A description of the chemical, physical, metallurgical, or nuclear process to be performed, and a statement of the kind and quantity of any radioactive effluent expected to result from the process. The description of the process should be sufficiently detailed to permit evaluation of the radioactive hazards involved. The magnitude of the proposed operation should be indicated in terms of the amount and radioactivity of source, special nuclear, or by-product material to be handled per unit of time, and thermal power to be generated if any.

(b) A description of the facility. The description should be based on the design criteria for the facility as a whole and for those major component parts which are essential to the safe operation of the facility, and should be presented in sufficient detail to allow an evaluation of the adequacy of the various means proposed to minimize the probability of danger from radioactivity to persons both on and offsite. The description should also cover any activities, other than those subject to license, proposed to be carried on in the building which will house the facility and on the balance of the site.

(c) A description of the site on which the facility is to be located. This should include a map of the area showing the location of the site and indicating the use to which the surrounding land is put, i. e., industrial, commercial, agricultural, residential; and a scale plot plan of the site showing the proposed location of the facility.

(d) A description of proposed procedures for: routine and non-routine operations, start-up and shut-down, maintenance, storage, training of employees, minimizing operational mishaps (such as locked controls, check-lists, and close supervision), investigating unusual

or unexpected incidents; and a description of such other details as may be useful in evaluating the existence and effectiveness of safeguards against the radioactive hazards in the operation of the facility.

(e) A description of plans or proposals in the event that acts or accidents occur which would create radioactive hazards. The description should relate the various operational procedures, the protective devices, and the pertinent features of the site, to such happenings as operational mistakes, equipment or instrument failure or malfunction, fire, electric power failure, flood, earthquake, storm, strike, and riot.

(f) Meteorological, hydrological, geological, and seismological data necessary for evaluating the measures proposed for protecting the public against possible radioactive hazards.

(g) An evaluation of the proposed measures and devices to prevent acts or accidents which would create radioactive hazards or to protect against the consequences should such acts or accidents occur.

§ 50.35 *Extended time for providing technical information.* Where, because of the nature of a proposed project, an applicant is not in a position to supply initially all of the technical information otherwise required to complete the application, he shall indicate the reason, the items or kinds of information omitted, and the approximate times when such data will be produced. If the Commission is satisfied that it has sufficient information to deal provisionally with the application and reasonable assurance that the omitted information will be supplied, it may process the application on a provisional basis without the omitted information subject to its later production.

§ 50.36 *Designation of technical specifications.* The Commission will indicate, by notice to the applicant, which of the items of technical information will be deemed to be technical specifications that become part of the license or construction permit if issued. In giving such notice the Commission will afford the applicant reasonable opportunity to amend or revise the technical information supplied before proceeding further to process the application.

§ 50.37 *Agreement limiting access to restricted data.* As part of his application and in any event prior to the receipt of Restricted Data or the issuance of a license or construction permit, the applicant shall agree in writing that he will not permit any individual to have access to Restricted Data until the Civil Service Commission shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual, and the Commission shall have determined that permitting such person to have access to Restricted Data will not endanger the common defense and security. The agreement of the applicant in this regard shall be deemed part of the license or construction permit, whether so stated therein or not.

§ 50.38 *Ineligibility of certain applicants.* Any person who is a citizen, national, or agent of a foreign country, or any corporation, or other entity which the Commission knows or has reason to believe is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government, shall be ineligible to apply for and obtain a license except a license authorizing export only pursuant to an agreement for cooperation.

§ 50.39 *Applications open for public inspection.* All applications for licenses filed with the Commission will be available for public inspection. The classified portion of any application will be made available for inspection in accordance with existing procedures and requirements for the protection of Restricted Data and other defense information.

STANDARDS FOR LICENSES AND CONSTRUCTION PERMITS

§ 50.40 *Common standards.* In determining that a license will be issued to an applicant, the Commission will be guided by the following considerations:

(a) The processes to be performed, the operating procedures, the facility and equipment, the protective devices, the location or place of use of the facility, and other technical specifications, or the proposals in regard to any of the foregoing, collectively provide reasonable assurance that the health and safety of the public will not be endangered.

(b) The applicant is qualified by reason of his reliability, technical competence, and financial responsibility, where these are factors.

(c) The issuance of a license to the applicant will not, in the opinion of the Commission, be inimical to the common defense and security or to the health and safety of the public.

§ 50.41 *Additional standards for Class 104 licenses.* In determining that a Class 104 license will be issued to an applicant, the Commission will, in addition to applying the standards set forth in § 50.40, be guided by the following considerations:

(a) The Commission will permit the widest amount of effective medical therapy possible with the amount of special nuclear material available for such purposes.

(b) The Commission will permit the conduct of widespread and diverse research and development.

(c) Where there are applicants desirous of engaging in the conduct of research and development activities leading to the demonstration of the practical value of production or utilization facilities for industrial or commercial purposes, the Commission will give priority to activities which, in the opinion of the Commission, will lead to major advances of atomic energy for industrial or commercial purposes.

NOTE. The Commission has determined, in accordance with section 104b of the Atomic Energy Act of 1954, that the regulations and terms of license applicable to a production or utilization facility in the conduct of research and development activities leading to the demonstration of practical value of such facility for industrial or commercial purposes

are compatible with the regulations and terms of license which will apply in the event that a Class 103 license were later to be issued for the facility.

§ 50.42 *Additional standards for Class 103 licenses.* In determining that a Class 103 license will be issued to an applicant, the Commission will, in addition to applying the standards set forth in § 50.40, be guided by the following considerations:

(a) The proposed activities will serve a useful purpose proportionate to the quantities of special nuclear material or source material to be utilized.

(b) Due account will be taken of the advice provided by the Attorney General, pursuant to subsection 105c of the act. For this purpose, before issuing the license, the Commission will notify the Attorney General of the proposed license, and the terms and conditions thereof, and request the advice of the Attorney General as to whether or not the proposed license would tend to create or maintain a situation inconsistent with the antitrust laws, as specified in subsection 105a of the act: *Provided*, That this requirement will not apply with respect to the types of Class 103 licenses which the Commission, with the approval of the Attorney General, may determine would not significantly affect the applicant's activities under the antitrust laws. Upon receipt of the Attorney General's advice, the Commission will cause such advice to be published in the *FEDERAL REGISTER*.

§ 50.43 *Additional standards and provisions affecting Class 103 licenses for commercial power.* In addition to applying the standards set forth in §§ 50.40 and 50.42, in the case of a Class 103 license for a facility for the generation of commercial power:

(a) The Commission will give notice in writing of each application to such regulatory agency as may have jurisdiction over the rates and services of the proposed activity, and to municipalities, private utilities, public bodies, and co-operatives which are within transmission distance and which are authorized to engage in distribution of electric energy; and the Commission will publish notice of the application once each week for four consecutive weeks in the *FEDERAL REGISTER*. No license will be issued by the Commission prior to the giving of such notices and until four weeks after the last publication in the *FEDERAL REGISTER*.

(b) If there are conflicting applications for a limited opportunity for such license, the Commission will give preferred consideration in the following order: first, to applications submitted by public or cooperative bodies for facilities to be located in high cost power areas in the United States; second, to applications submitted by others for facilities to be located in such areas; third, to applications submitted by public or cooperative bodies for facilities to be located in other than high cost power areas; and, fourth, to all other applicants.

(c) The licensee who transmits electric energy in interstate commerce, or sells it at wholesale in interstate com-

merce, shall be subject to the regulatory provisions of the Federal Power Act.

(d) Nothing herein shall preclude any government agency, now or hereafter authorized by law to engage in the production, marketing, or distribution of electric energy, if otherwise qualified, from obtaining a license for the construction and operation of a utilization facility for the primary purpose of producing electric energy for disposition for ultimate public consumption.

§ 50.44 Standards for licenses authorizing export only. Where a license is sought solely to authorize the export of production or utilization facilities, the Commission will determine whether the issuance of the license to the applicant for the facility involved is within the scope of and consistent with the terms of an agreement for cooperation with the nation to which the facility is to be exported.

§ 50.45 Standards for construction permits. An applicant for a license who proposes to construct or modify a production or utilization facility will be initially granted a construction permit, if the application is in conformity with and acceptable under the criteria of §§ 50.30 through 50.38 and the standards of §§ 50.40 through 50.43.

ISSUANCE, LIMITATIONS, AND CONDITIONS OF LICENSES AND CONSTRUCTION PERMITS

§ 50.50 Issuance of licenses and construction permits. Upon determination that an application for a license meets the standards and requirements of the act and regulations, and that notifications, if any, to other agencies or bodies have been duly made, the Commission will issue a license, or if appropriate a construction permit, in such form and containing such conditions and limitations including technical specifications, as it deems appropriate and necessary.

§ 50.51 Duration of license, renewal. Each license will be issued for a fixed period of time to be specified in the license, not to exceed the estimated useful life of the facility where its operation is involved, but in no case to exceed 40 years from the date of issuance. Licenses may be renewed by the Commission upon the expiration of the period.

§ 50.52 Combining licenses. The Commission may combine in a single license the activities of an applicant would otherwise be licensed severally.

§ 50.53 Jurisdictional limitations. No license under this part shall be deemed to have been issued for activities which are not under or within the jurisdiction of the United States except insofar as the export of production or utilization facilities is authorized.

NOTE: The Commission may authorize persons to engage in certain atomic energy activities abroad pursuant to an agreement for cooperation with a foreign nation or upon a determination that such activity will not be inimical to the interest of the United States, as provided in section 57a (3) of the act.

§ 50.54 Conditions of licenses. Whether stated therein or not, the fol-

lowing shall be deemed conditions in every license issued:

(a) Title to all special nuclear material utilized or produced by facilities pursuant to the license shall at all times be in the United States.

(b) No right to the special nuclear material shall be conferred by the license except as may be defined by the license.

(c) Neither the license, nor any right thereunder, nor any right to utilize or produce special nuclear material shall be transferred, assigned, or disposed of in any manner, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of the act, and give its consent in writing.

(d) The license shall be subject to suspension and to the rights of recapture of the material or control of the facility reserved to the Commission under section 108 of the act in a state of war or national emergency declared by Congress.

(e) The license shall be subject to revocation, suspension, modification, or amendment for cause as provided in the act and regulations, in accordance with the procedure provided by the act and regulations.

(f) The licensee will, at any time before expiration of the license, upon request of the Commission submit written statements, signed under oath or affirmation, to enable the Commission to determine whether or not the license should be modified or revoked.

(g) The issuance or existence of the license shall not be deemed to waive, or relieve the licensee from compliance with, the antitrust laws, as specified in subsection 105a of the act. In the event that the licensee should be found by a court of competent jurisdiction to have violated any provision of such antitrust laws in the conduct of the licensed activity, the Commission may suspend or revoke the license or take such other action with respect to it as shall be deemed necessary.

(h) The license shall be subject to the provisions of the act now or hereafter in effect and to all valid rules, regulations, and orders of the Commission. The terms and conditions of the license shall be subject to amendment, revision, or modification, by reason of amendments of the act or by reason of rules, regulations, and orders issued in accordance with the terms of the act.

(i) The licensee shall not permit the manipulation of the controls of any production or utilization facility by anyone who is not a licensed operator as provided in Part 55 of this chapter.

§ 50.55 Conditions of construction permits. Each construction permit shall be subject to the following terms and conditions:

(a) The permit shall state the earliest and latest dates for completion of the construction or modification. If the construction or modification is completed before the earliest date specified, the holder of the permit shall promptly notify the Commission for the purpose of accelerating final inspection and any

scheduled delivery of materials from the Commission.

(b) If the proposed construction or modification of the facility is not completed by the latest completion date, the permit shall expire and all rights thereunder shall be forfeited: *Provided, however,* That upon good cause shown the Commission will extend the completion date. The Commission will recognize, among other things, fire, flood, explosion, strike, sabotage, domestic violence, enemy action, an act of the elements, and other acts beyond the control of the permit holder, as a basis for extending the completion date.

(c) Except as modified by this section, the construction permit shall be subject to the same conditions to which a license is subject.

(d) At or about the time of completion of the construction or modification of the facility, the applicant will file any additional information needed to bring the original application for license up to date.

§ 50.56 Conversion of construction permit to license. Upon completion of the construction or modification, in compliance with the terms and conditions of the construction permit, the Commission will, in the absence of good cause shown to the contrary issue a license of the class for which the construction permit was issued.

INSPECTIONS, RECORDS, REPORTS

§ 50.70 Inspections. Each licensee and each holder of a construction permit shall permit inspection, by duly authorized representatives of the Commission, of his records, premises, activities, and of licensed materials in possession or use, related to the license or construction permit as may be necessary to effectuate the purposes of the act, including section 105 of the act.

§ 50.71 Maintenance of records, making of reports. Each licensee and each holder of a construction permit shall maintain such records and make such reports, in connection with the licensed activity, as may be required by the conditions of the license or permit or by the rules, regulations, and orders of the Commission in effectuating the purposes of the act, including section 105 of the act.

CREDITORS' RIGHTS

§ 50.80 Creditor regulations. For the purposes provided in section 184 of the act, the Commission consents, without individual application, to the creation of any mortgage, pledge, or other lien on any production or utilization facility which is subject to a license, owned or thereafter acquired by the licensee, or upon any leasehold or other interest in such property: *Provided,* That the rights of a creditor so secured may be exercised only in compliance with and subject to the same requirements and restrictions as would apply to the licensee, by virtue of the license, the act, and the regulations thereunder. In obtaining or retaining mere possession, without use or other disposition, of the facility, the creditor shall not be required to procure a license.

AMENDMENT OF LICENSE OR CONSTRUCTION PERMIT AT REQUEST OF HOLDER

§ 50.90 Application for amendment of license or construction permit. Whenever a holder of a license or construction permit desires to alter or amend the license or permit, application for an amendment shall be filed with the Commission, fully describing the changes desired, and following as far as applicable the form prescribed for original applications.

§ 50.91 Issuance of amendment. In determining whether an amendment to a license or construction permit will be issued to the applicant, the Commission will be guided by the considerations which govern the issuance of initial licenses or construction permits, to the extent applicable and appropriate.

REVOCATION, SUSPENSION, MODIFICATION, AMENDMENT OF LICENSES AND CONSTRUCTION PERMITS, EMERGENCY OPERATIONS BY THE COMMISSION

§ 50.100 Revocation, suspension, modification, amendment of licenses and construction permits for cause. A license or construction permit may be revoked, suspended, modified, or amended, in whole or in part, for any material false statement in the application for license or in the supplemental or other statement of fact required of the applicant; or because of conditions revealed by the application for license or statement of fact or any report, record, inspection, or other means, which would warrant the Commission to refuse to grant a license on an original application; or for failure to construct or operate a facility in accordance with the terms of the construction permit or license: *Provided*, That failure to make timely completion of the proposed construction or modification of a facility under a construction permit shall be governed by the provisions of § 50.55 (b); or for violation of, or failure to observe, any of the terms and provisions of the act, regulations, license, permit, or lawful order of the Commission.

§ 50.101 Notice and opportunity for compliance prior to proceedings. In cases where the conditions or conduct warranting revocation, suspension, modification, or amendment of the license or permit under § 50.100 may be susceptible of correction or of being brought into full compliance by action of the licensee or permit holder, the Commission will, by notice, prior to the institution of any proceeding for revocation, suspension, modification, or amendment of the license or permit, afford the licensee or permit holder a reasonable opportunity to demonstrate or achieve compliance with the requirements: *Provided, however*, That where the failure to be in compliance is wilful or where, in the opinion of the Commission, the common defense and security or the health or safety of the public requires, such notice and opportunity for compliance may be omitted.

§ 50.102 Retaking possession of special nuclear material. Upon revocation of a license, the Commission may immediately retake possession of all special nuclear material held by the licensee.

§ 50.103 Emergency action by the Commission. In cases found by the Commission to be of extreme importance to the national defense and security, or to the health and safety of the public, the Commission may, without prior notice or hearing,

(a) Temporarily suspend a license or operation thereunder forthwith for a period not to exceed 60 days, or

(b) Recapture any special nuclear material held by the licensee, or

(c) Enter upon and operate the licensed facility, subject to payment thereafter of just compensation for the use of the facility: *Provided*, That within 10 days from the commencement of such temporary suspension or action, the Commission shall initiate proceedings for the revocation, suspension, modification, or amendment of the license or shall rescind the temporary suspension or action.

§ 50.104 Commission operation after revocation. Whenever the Commission finds that the public convenience and necessity, or the production program of the Commission, requires continued operation of a production or utilization facility, the license for which has been revoked, the Commission may, after consultation with the appropriate federal or state regulatory agency having jurisdiction, order that possession be taken of such facility and that it be operated for a period of time as, in the judgment of the Commission, the public convenience and necessity or the production program of the Commission may require, or until a license for operation of the facility shall become effective. Just compensation shall be paid for the use of the facility.

§ 50.105 Suspension and operation in war or national emergency. (a) Whenever Congress declares that a state of war or national emergency exists, the Commission, if it finds it necessary to the common defense and security, may,

(1) Suspend any license it has issued.

(2) Order the recapture of special nuclear material distributed.

(3) Order the operation of any licensed facility.

(4) Order entry into any plant or facility in order to recapture special nuclear material or to operate the facility.

(b) Just compensation shall be paid for any damages caused by recapture of special nuclear material or by operation of any facility, pursuant to this section.

REGULATIONS RELATING TO ACTIVITIES OF LICENSEES

§ 50.110 Issuance or modification of regulations dealing with the activities of licensees. The Commission may, upon its own motion or upon the request of any person whose interest may be affected, rescind or amend the regulations in this part, or issue, rescind, or amend such rules and regulations as may be necessary to carry out the purposes of the act, including rules and regulations of general or particular applicability to licensees.

ENFORCEMENT

§ 50.120 Violations. An injunction or other court order may be obtained prohibiting any violation of any provision of the act or any regulation or order issued thereunder. Any person who wilfully violates any provision of the act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

Dated at Washington, D. C., this 12th day of April 1955.

K. D. NICHOLS,
General Manager.

[F. R. Doc. 55-3114; Filed, Apr. 14, 1955; 8:48 a. m.]

[10 CFR Part 70]

SPECIAL NUCLEAR MATERIAL

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed rules should send them to the United States Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing, within 30 days after publication of this notice in the FEDERAL REGISTER.

Title 10, Chapter I, Part 70, Code of Federal Regulations, entitled "Definition of Fissionable Material" is hereby amended to read as follows:

PART 70—SPECIAL NUCLEAR MATERIAL REGULATIONS

GENERAL PROVISIONS

- Sec. 70.1 Purpose.
- 70.2 Scope.
- 70.3 License requirements.
- 70.4 Definitions.
- 70.5 Communications.
- 70.6 Interpretations.

EXEMPTIONS

- 70.11 Persons using special nuclear material under contract with and for the account of the Commission.
- 70.12 Carriers.
- 70.13 Department of Defense.
- 70.14 Specific exemptions.

LICENSE APPLICATIONS

- 70.21 Filing.
- 70.22 Contents of applications.
- 70.23 Requirements for the approval of applications.

LICENSES

- 70.31 Issuance of licenses.
- 70.32 Conditions of licenses.
- 70.33 Renewal of licenses.
- 70.34 Amendment of licenses.
- 70.35 Commission action on applications to renew or amend.
- 70.36 Inalienability of licenses.
- 70.37 Disclaimer of warranties.

ACQUISITION, USE, AND TRANSFER OF SPECIAL NUCLEAR MATERIAL

- 70.41 Authorized use of special nuclear material.
- 70.42 Transfer of special nuclear material.
- 70.43 Licensee's responsibility for special nuclear material.

RECORDS, REPORTS AND INSPECTIONS

- Sec.
70.51 Records.
70.52 Reports of accidental criticality or loss of special nuclear material.
70.53 Inspections.
70.54 Tests.

MODIFICATION AND REVOCATION OF LICENSES

- 70.61 Modification and revocation of licenses.

ENFORCEMENT

- 70.71 Violations.

AUTHORITY: §§ 70.1 to 70.71 issued under sec. 51, 68 Stat. 929, sec. 53, 68 Stat. 930, sec. 161, 68 Stat. 948, sec. 182, 68 Stat. 953, sec. 183, 68 Stat. 954; 42 U. S. C. 2071, 2073, 2201, 2232, 2233. For the purposes of sec. 223, 68 Stat. 958, 42 U. S. C. 2273, §§ 70.32 (a) (6) and 70.41 (a) issued under sec. 161b, 68 Stat. 948, 42 U. S. C. 2201, and §§ 70.51 and 70.52 issued under sec. 161p, 68 Stat. 950, 42 U. S. C. 2201.

GENERAL PROVISIONS

§ 70.1 *Purpose.* (a) The regulations in this part establish procedures and criteria for the issuance of licenses to receive, possess, use and transfer special nuclear material and for the distribution by the Commission of special nuclear material to licensees; and establish and provide for the terms and conditions upon which the Commission will issue such licenses and distribute special nuclear material.

(b) The regulations contained in this part are issued pursuant to the Atomic Energy Act of 1954 (68 Stat. 919).

§ 70.2 *Scope.* Except as provided in §§ 70.11 to 70.13, inclusive, the regulations in this part apply to all persons in the United States.

§ 70.3 *License requirements.* No person subject to the regulations in this part shall receive, possess, use or transfer special nuclear material except as authorized in a license issued by the Commission pursuant to these regulations.

§ 70.4 *Definitions.* As used in this part,

(a) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919), including any amendments thereto;

(b) "Atomic energy" means all forms of energy released in the course of nuclear fission or nuclear transformation;

(c) "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device;

(d) "Commission" means the Atomic Energy Commission or its duly authorized representatives;

(e) "Common defense and security" means the common defense and security of the United States;

(f) "Defense information" means any information in any category determined by any Government agency authorized to classify information as being information respecting, relating to, or affecting the national defense;

(g) "Government agency" means any executive department, commission, inde-

pendent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government;

(h) "License", except where otherwise specified, means a license issued pursuant to the regulations in this part;

(i) "Person" means (1) any individual, corporation, partnership, firm association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and (2) any legal successor, representative, agent or agency of the foregoing;

(j) "Produce", when used in relation to special nuclear material, means (1) to manufacture, make, produce, or refine special nuclear material; (2) to separate special nuclear material from other substances in which such material may be contained; or (3) to make or to produce new special nuclear material;

(k) "Research and development" means (1) theoretical analysis, exploration, or experimentation; or (2) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes;

(l) "Restricted Data" means all data concerning (1) design, manufacture or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142 of the act;

(m) "Source material" means source material as defined in section 11 s. of the act and in the regulations contained in Part 40 of this chapter;

(n) "Special nuclear material" means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51 of the act, determines to be special nuclear material, but does not include source material; or (2) any material artificially enriched by any of the foregoing but does not include source material;

(o) "United States", when used in a geographical sense, includes all Territories and possessions of the United States, and the Canal Zone.

§ 70.5 *Communications.* All communications concerning the regulations in this part should be addressed to the United States Atomic Energy Commission, Washington 25, D. C., Attention: Division of Licensing.

§ 70.6 *Interpretations.* Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Com-

mission other than a written interpretation by the General Manager, the General Counsel, or the Director, Division of Licensing will be recognized to be binding upon the Commission.

EXEMPTIONS

§ 70.11 *Persons Using Special Nuclear Material under contract with and for the account of the Commission.* The regulations in this part do not apply to any person to the extent that such person receives, possesses, uses or transfers special nuclear material under, and in accordance with, a contract with and for the account of the Commission. In any such case, such person's obligations with respect to the special nuclear material are governed by the applicable contract between such person and the Commission.

§ 70.12 *Carriers.* Common and contract carriers, warehousemen and the United States Post Office Department are exempt from the regulations in this part to the extent that they transport or store special nuclear material in the regular course of carriage for another or storage incident thereto.

§ 70.13 *Department of Defense.* The regulations in this part do not apply to the Department of Defense to the extent that the Department receives, possesses and uses special nuclear material in accordance with the direction of the President pursuant to section 91 of the act.

§ 70.14 *Specific exemptions.* The Commission may, upon application of any interested party, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

LICENSE APPLICATIONS

§ 70.21 *Filing.* (a) Applications for licenses should be filed in triplicate with the United States Atomic Energy Commission, Washington 25, D. C., Attention: Division of Licensing.

(b) An application for license filed pursuant to the regulations in this part will be considered also as an application for licenses authorizing other activities for which licenses are required by the act, provided the application specifies the additional activities for which licenses are requested and complies with regulations of the Commission as to applications for such licenses.

(c) Any application which contains Restricted Data or other defense information shall be prepared in such manner that all Restricted Data and other defense information are separated from the unclassified information.

(d) All applications for licenses filed with the Commission will be available for public inspection. The classified portion of any application will be made available for inspection in accordance with existing procedures and requirements for the protection of Restricted Data and other defense information.

§ 70.22 *Contents of applications.* (a) Each application shall contain the following information:

(1) (i) The full name, address, age (if an individual), and citizenship of the applicant and the names and addresses of three personal references. If the applicant is a corporation or other entity, it shall indicate the State where it was incorporated or organized, the location of the principal office, the names, addresses, and citizenship of its principal officers, and shall include information known to the applicant concerning the control or ownership, if any, exercised over the applicant by any alien, foreign corporation, or foreign government.

(ii) Each application shall contain complete and accurate disclosure with respect to the real party or parties in interest.

(2) The activity for which the special nuclear material is required, or in which special nuclear material will be produced, the place at which the activity is to be performed and the general plan for carrying out the activity;

(3) The period of time for which the license is requested;

(4) The financial qualifications of the applicant to undertake and carry out the proposed use of special nuclear material;

(5) The name, amount, and specifications (including the chemical and physical form and, where applicable, isotopic content) of the special nuclear material the applicant proposes to use or produce;

(6) If the applicant desires special nuclear material for use in the operation of a nuclear reactor licensed by the Commission pursuant to section 103 or 104 of the act:

(i) The estimated date on which the applicant desires to receive the first shipment of special nuclear material and an estimated schedule, by years, for subsequent receipts;

(ii) A schedule, by years, showing the estimated production, consumption and operating losses of special nuclear material, and

(iii) An estimated schedule, by years, for the transfer of special nuclear material to the Commission or to other licensees.

Supporting data for such estimates shall be included.

(7) The technical qualifications, including training and experience, of the applicant and members of his staff to possess and use the special nuclear material in such manner as to protect health and minimize danger to life or property.

(8) A description of equipment and facilities which will be used by the applicant to protect health and minimize danger to life or property (such as handling devices, working areas, shields, measuring and monitoring instruments, devices for the disposal of radioactive effluent and wastes, storage facilities, etc.).

(9) Proposed procedures to protect health and minimize danger to life or property, including procedures to avoid accidental conditions of criticality and procedures for personnel monitoring and waste disposal.

(b) The Commission may at any time after the filing of the original applica-

tion, and before the expiration of the license, require further statements in order to enable the Commission to determine whether the application should be granted or denied or whether a license should be modified or revoked. All applications and statements shall be signed by the applicant or licensee or a corporate officer thereof under oath or affirmation.

(c) Each application and statement shall contain complete and accurate disclosure as to all matters and things required to be disclosed.

§ 70.23 Requirements for the approval of applications. A license application will be approved if the Commission determines that:

(a) The special nuclear material is to be used for the conduct of research or development activities of a type specified in section 31 of the act¹ or in activities licensed by the Commission pursuant to section 103 or 104 of the act; and

(b) The applicant is a reliable person and is qualified by reason of training and experience to use the material in such manner as to protect health and minimize danger to life or property; and

(c) The applicant's proposed equipment and facilities are adequate to protect health and minimize danger to life or property; and

(d) The applicant's proposed procedures to protect health and to minimize danger to life or property are adequate; and

(e) The applicant appears to be financially able to undertake and carry out the proposed use of special nuclear material for a reasonable period of time; and

(f) The special nuclear material can be made available to the applicant substantially in accordance with the estimated schedule, if any, in the application. In the event that applications for special nuclear material exceed the amount available for distribution, the Commission will give preference to those activities which are most likely, in the opinion of the Commission, to contribute to basic research, to the development of peacetime uses of atomic energy, or to the economic and military strength of the Nation. In the event that applications for special nuclear material for use in activities licensed by the Commission pursuant to section 104 b of the act, exceed the amount of special nuclear

¹ The types of research and development activities specified in section 31 are those relating to:

(1) Nuclear processes;
(2) The theory and production of atomic energy, including processes, materials, and devices related to such production;

(3) Utilization of special nuclear material and radioactive material for medical, biological, agricultural, health or military purposes;

(4) Utilization of special nuclear material, atomic energy, and radioactive material and processes entailed in the utilization or production of atomic energy or such material for all other purposes, including industrial uses, the generation of usable energy, and the demonstration of the practical value of utilization or production facilities for industrial or commercial purposes; and

(5) The protection of health and the promotion of safety during research and production activities.

material available for such use, the Commission will give preference to such of said applications as will, in the opinion of the Commission, lead to major advances in the application of atomic energy for industrial or commercial purposes.

LICENSES

§ 70.31 Issuance of licenses. (a) Upon a determination that an application meets the requirements of the act, and of the regulations of the Commission, the Commission will issue a license in such form and containing such conditions and limitations as it deems appropriate or necessary to effectuate the purposes of the act.

(b) (1) In licenses for special nuclear material issued to persons holding licenses under section 103 or 104 of the act for the operation of nuclear reactors, the Commission will include appropriate provisions establishing the availability to the licensee, as needed of the quantity of special nuclear material required for operation of the facility during the period of the license, and will include an estimated schedule for a reasonable period of time of special nuclear material transfers to the licensee and of special nuclear material returns to the Commission.

(2) Special nuclear material transferred to a licensee to be fabricated or processed for use by another licensee will be charged to the quantity allocated in the latter's license.

(c) Any license issued to a person for use of special nuclear material in activities in which special nuclear material will be produced shall (subject to the provisions of § 70.41 (b)) be deemed to authorize such person to possess, use, and transfer the special nuclear material produced in the course of such authorized activities.

(d) No license will be issued (1) to any person for a use which is not under the jurisdiction of the United States; or (2) to any person if the Commission finds that the distribution of special nuclear material to such person would be inimical to the common defense and security.²

§ 70.32 Conditions of licenses. (a) Each license shall expire (except as provided in § 70.33 (b)), at the time specified in the license and shall contain and be subject to the following conditions:

(1) Title to all special nuclear material shall at all times be in the United States;

(2) No right to the special nuclear material shall be conferred by the license except as defined by the license;

(3) Neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of the act;

(4) All special nuclear material shall be subject to the right of recapture or control reserved by section 108 and to all other provisions of the act;

² The Commission may authorize persons to engage in certain atomic energy activities abroad pursuant to an agreement for cooperation with a foreign nation or upon a determination that such activity will not be inimical to the interest of the United States, as provided in section 57 (a) (3) of the act.

(5) No special nuclear material may be used in any utilization or production facility except in accordance with the provisions of the act;

(6) The licensee shall not use the special nuclear material to construct an atomic weapon or any component of an atomic weapon;

(7) The licensee will hold the United States and the Commission harmless from any damages resulting from the use or possession of special nuclear material by the licensee;

(8) The license shall be subject to, and the licensee shall observe, all applicable rules, regulations and orders of the Commission.

(b) The Commission may incorporate in any license such additional conditions and requirements with respect to the licensee's receipt, possession, use and transfer of special nuclear material as it deems appropriate or necessary in order to:

(1) Promote the common defense and security;

(2) Protect health or to minimize danger to life or property;

(3) Protect Restricted Data;

(4) Guard against the loss or diversion of special nuclear material.

(5) Require such reports and the keeping of such records, and to provide for such inspections, of activities under the license as may be necessary or appropriate to effectuate the purposes of the act and regulations thereunder.

§ 70.33 Renewal of licenses. (a) Applications for renewal of a license should be filed in accordance with §§ 70.21 and 70.22. Information contained in previous applications, statements or reports filed with the Commission under the license may be incorporated by reference: *Provided*, That such references are clear and specific.

(b) In any case in which a licensee, not less than thirty (30) days prior to expiration of his existing license, has filed an application in proper form for renewal of a license, such existing license shall not expire until the application for a renewal has been finally determined by the Commission.

§ 70.34 Amendment of licenses. Applications for amendment of a license shall be filed in accordance with § 70.21 (a) and shall specify the respects in which the licensee desires his license to be amended and the grounds for such amendment.

§ 70.35 Commission action on applications to renew or amend. In considering an application by a licensee to renew or amend his license, the Commission will apply the criteria set forth in § 70.23.

§ 70.36 Inalienability of licenses. No license granted under the regulations in this part and no right to possess or utilize special nuclear material granted by any license issued pursuant to the regulations in this part shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person unless the Commission shall after securing full information, find that

the transfer is in accordance with the provisions of the act, and shall give its consent in writing.

§ 70.37 Disclaimer of warranties. Neither the Government nor the Commission makes any warranty or other representation that special nuclear material (a) will not result in injury or damage when used for purposes approved by the Commission, (b) will accomplish the results for which it is requested and approved by the Commission, or (c) is safe for any other use.

ACQUISITION, USE AND TRANSFER OF SPECIAL NUCLEAR MATERIAL

§ 70.41 Authorized use of special nuclear material. (a) Each licensee shall confine his possession and use of special nuclear material to the locations and purposes authorized in his license.

(b) The possession, use and transfer of any special nuclear material produced by a licensee, in connection with or as a result of use of special nuclear material received under his license, shall be subject to the provisions of the license and the regulations in this part.

(c) Nothing contained in the regulations in this part or in any license issued pursuant to the regulations in this part shall authorize or be deemed to authorize (1) the distribution of any special nuclear material to any person for a use which is not under the jurisdiction of the United States or (2) the export from or import into the United States of any special nuclear material.

§ 70.42 Transfer of special nuclear material. (a) No licensee shall transfer special nuclear material except as authorized pursuant to this section.

(b) Any licensee may transfer special nuclear material:

(1) To the Commission;

(2) To a licensee whose license authorizes him to receive such special nuclear material;

(3) As otherwise authorized by the Commission in writing.

§ 70.43 Licensee's responsibility for special nuclear material. (a) Any licensee who receives special nuclear material from the Commission shall be responsible and shall reimburse the Commission for any loss, consumption or contamination of, or damage to, such special nuclear material occurring from the time of delivery of such material to the licensee or to a carrier for delivery to the licensee and until such material has been returned to the Commission by delivery at the laboratory, plant or office designated for the return of the material in his license or other written instruction from the Commission.

(b) The transfer of special nuclear material by a licensee to another licensee shall not relieve the transferor of responsibility to the Commission for loss, consumption or contamination of, or damage to, such special nuclear material unless, upon receiving an agreement signed by the transferee assuming such responsibility, the Commission shall give its consent in writing. The Commission will not unreasonably withhold its consent. Such arrangements may be made with the Commission in advance for a series of anticipated transfers.

RECORDS, REPORTS AND INSPECTIONS

§ 70.51 Records. Each licensee shall keep records showing the receipt, inventory and transfer of special nuclear material.

§ 70.52 Reports of accidental criticality or loss of special nuclear material. Each licensee shall promptly report to the Commission any case of accidental criticality and any loss, other than normal operating loss, of special nuclear material.

§ 70.53 Inspections. (a) Each licensee shall afford to the Commission at all reasonable times opportunity to inspect special nuclear material and the premises and facilities wherein special nuclear material is used, produced, or stored.

(b) Each licensee shall make available to the Commission for inspection, upon reasonable notice, records kept by the licensee pertaining to his receipt, possession, use, or transfer of special nuclear material.

§ 70.54 Tests. Each licensee shall perform, or permit the Commission to perform, such tests as the Commission deems appropriate or necessary for the administration of the regulations in this part, including tests of (a) special nuclear material, (b) facilities wherein special nuclear material is utilized, produced or stored, (c) radiation detection and monitoring instruments, and (d) other equipment and devices used in connection with the production, utilization or storage of special nuclear material.

MODIFICATION AND REVOCATION OF LICENSES

§ 70.61 Modification and revocation of licenses. (a) The terms and conditions of all licenses shall be subject to amendment, revision, or modification by reason of amendments to the Atomic Energy Act of 1954, or by reason of rules, regulations or orders issued in accordance with the act or any amendments thereto;

(b) Any license may be revoked, suspended or modified for any material false statement in the application or any statement of fact required under section 182 of the act or because of conditions revealed by such application or statement of fact or any report, record, or inspection or other means which would warrant the Commission to refuse to grant a license on an original application, or for failure to construct or operate a facility in accordance with the terms of the construction permit or license, the technical specifications in the application, or for violation of, or failure to observe any of the terms and conditions of the act, or of any regulation of the Commission.

(c) Upon revocation, suspension or modification of a license, the Commission may immediately retake possession of all special nuclear material held by the licensee. In cases found by the Commission to be of extreme importance to the national defense or security, or to the health and safety of the public, the Commission may recapture any special nuclear material held by the licensee

prior to any of the procedures provided under the Administrative Procedure Act.

(d) Except in cases of willfulness or those in which the public health, interest or safety requires otherwise, no license shall be modified, suspended or revoked unless, prior to the institution of proceedings therefor, facts or conduct which may warrant such action shall have been called to the attention of the licensee in writing and the licensee shall have been accorded opportunity to demonstrate or achieve compliance with all lawful requirements.

ENFORCEMENT

§ 70.71 *Violations.* An injunction or other court order may be obtained prohibiting any violation of any provision of the act or any regulation or order issued thereunder. Any person who willfully violates any provision of the act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

Dated at Washington, D. C., this 12th day of April 1955.

K. D. NICHOLS,
General Manager.

[F. R. Doc. 55-3116; Filed, Apr. 14, 1955;
8:49 a. m.]

10 CFR Part 95

SAFEGUARDING OF RESTRICTED DATA NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed rules should send them to the United States Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing, within 30 days after publication of this notice in the FEDERAL REGISTER.

PART 95—SAFEGUARDING OF RESTRICTED DATA

GENERAL PROVISIONS

- Sec. 95.1 Purpose.
- 95.2 Scope.
- 95.3 Definitions.
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PHYSICAL SECURITY

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CONTROL OF INFORMATION

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- 95.32 Classification and preparation of documents.
- 95.33 External transmission of documents and material.
- 95.34 Accountability for Secret Documents.

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- 95.36 Changes in classification.
- 95.37 Destruction of documents containing Restricted Data.
- 95.38 Reports.
- 95.39 Inspection.
- 95.40 Violations.

AUTHORITY: §§ 95.1 to 95.40 issued under sec. 1611 and p. 68 Stat. 948, 42 U. S. C. 2201.

GENERAL PROVISIONS

§ 95.1 *Purpose.* This part establishes requirements for the safeguarding of Secret and Confidential Restricted Data. It does not apply to Top Secret Restricted Data. Top Secret Restricted Data shall be safeguarded in accordance with specific instructions from the Commission.

§ 95.2 *Scope.* This part applies to all persons within or under the jurisdiction of the United States.

§ 95.3 *Definitions.* As used in this part,

(a) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919), including any amendments thereto;

(b) "Commission" means the Atomic Energy Commission or its duly authorized representatives;

(c) "Document" means any piece of recorded information regardless of its physical form or characteristics;

(d) "L clearance" means a clearance for access to Confidential Restricted Data;

(e) "Licensee" means any person who is the holder of a license issued by the Commission pursuant to the act;

(f) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and (2) any legal successor, representative, agent or agency of the foregoing;

(g) "Q clearance" means a clearance for access to Secret as well as Confidential Restricted Data;

(h) "Restricted Data" means all data concerning (1) design, manufacture or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142 of the act;

(i) "Security area" means a physically defined space, access to which is subject to security restrictions and control;

(j) "United States", when used in a geographical sense, includes all Territories and possessions of the United States, and the Canal Zone.

§ 95.4 *Communications.* All communications concerning the regulations in this part should be addressed to the U. S. Atomic Energy Commission, Washington 25, D. C., Attention: Division of Licensing.

§ 95.5 *Submission of procedures by licensee.* No licensee shall receive or possess Restricted Data until he shall have

submitted to the Commission a written statement of his procedures for the safeguarding of Restricted Data and for the security education of his employees and the Commission shall have determined and informed the licensee that his procedures for the safeguarding of Restricted Data constitute compliance with this part and that his procedures for the security education of his employees are designed to assure that all his employees who will have access to Restricted Data are informed about and understand this part.

§ 95.6 *Exemption for Department of Defense.* This section does not apply to the Department of Defense or its agencies, or to Contractors of the Department of Defense with respect to restricted data in their possession as such Contractors.

§ 95.7 *Specific waivers.* The Commission may, upon application of any interested party, grant such waivers from the requirements of this part as it determines are authorized by law and will not constitute an undue risk to the common defense and security.

§ 95.8 *Interpretations.* Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Manager, the General Counsel, or the Director of the Division of Licensing will be recognized to be binding upon the Commission.

PHYSICAL SECURITY

§ 95.21 *Protection of Restricted Data in storage—(a) Secret.* Secret documents and material, while not in use, shall be stored in a manner at least as secure as one of the following:

(1) In a locked vault, safe, or safe-type steel file cabinet secured by a steel lock bar and a 3-position dial-type, changeable combination padlock, with the vault, safe, or cabinet located in a place either subject to periodic patrol by protective personnel or under such automatic alarm protection as the Commission may approve.

(2) In a locked steel file cabinet when protective personnel are posted on the premises in which the cabinet is located or when the cabinet is located in a place under such automatic alarm protection as the Commission may approve.

(b) *Confidential.* Confidential documents and material, while not in use, shall as a minimum requirement be stored in a steel file cabinet, secured by a steel lock bar and a 3-position dial-type combination padlock from which the manufacturer's identification number has been obliterated.

(c) *Changes of combination.* Combination on locks of safekeeping equipment shall be changed whenever such equipment is placed in use after procurement from the manufacturer or other source, whenever a person knowing the combination leaves the employ of the person in control of such equipment, or whenever the combination has been subjected to compromise, and in any event at least once each year. Records of combinations shall be classified no lower

than the highest classification of the documents and material authorized for storage in the safekeeping equipment concerned.

§ 95.22 Protection while in use. While in use, documents and material containing Restricted Data shall be under the direct control of an appropriately cleared person and shall be capable of being removed from sight immediately.

§ 95.23 Establishment of security areas. When, because of their nature or size, it is impracticable to safeguard documents and material containing restricted data in accordance with the provisions of §§ 95.21 and 95.22, a security area to protect such documents and material shall be established. Regulations applicable to security areas are set forth in §§ 95.25 through 95.27.

§ 95.24 Special kinds of classified material. When the restricted data contained in material is not ascertainable by observation or examination at the place where the material is located and when the material is not readily removable because of size, weight, radioactivity, or the like, then it shall not be necessary to safeguard such material in the manner provided by §§ 95.21 through 95.23 but such protection commensurate with the difficulty of removing the material, as the Commission may approve, shall be provided.

§ 95.25 Security area controls. The following controls shall apply to security areas.

(a) Security areas shall be separated from adjacent areas by a physical barrier designed to prevent entrance to such areas and access to the restricted data within the area.

(b) During working hours admittance shall be controlled by a person posted at each unlocked entrance.

(c) During non-working hours admittance shall be controlled by protective personnel on patrol, with protective personnel posted at unlocked entrances, or by such automatic alarm systems as the Commission may approve.

§ 95.26 Protective personnel. Whenever protective personnel are required by § 95.25 or when specifically required by the Commission, such protective personnel shall:

(a) Possess an "L" clearance if the Restricted Data being protected is classified Confidential or "Q" clearance if the Restricted Data being protected is classified Secret.

(b) Be armed with side-arms of not less than .38 caliber.

§ 95.27 Identification. Each person authorized to enter a security area shall be issued a distinctive badge or pass where the number of employees assigned to the area exceeds thirty.

CONTROL OF INFORMATION

§ 95.31 Access to Restricted Data. No person possessing Restricted Data shall permit any individual to have access to Confidential Restricted Data unless such individual has an "L" or "Q" clearance or permit any individual to have access to Secret Restricted Data

unless such individual has a "Q" clearance. Any person possessing Restricted Data may permit any individual with an "L" or "Q" clearance to have access to Confidential Restricted Data pertaining to civilian applications of atomic energy. Any person possessing Restricted Data may permit any appropriately cleared individual in his organization to have access to such other Restricted Data as such individual requires in the performance of his duties. Except as provided above, no person possessing Restricted Data shall permit any individual to have access to Restricted Data without prior authorization from the Commission.

§ 95.32 Classification and preparation of documents—(a) Classification. Restricted Data which may be originated by any person authorized to have access to Restricted Data shall be classified in accordance with guides furnished by the Commission.

(b) *Classification consistent with content.* Each document containing Restricted Data shall be classified Secret or Confidential according to its own content.

(c) *Classification marking.* Unless otherwise authorized below, the assigned classification of a document shall be conspicuously marked or stamped at the top and bottom of each page and on the front cover, if any, and the document shall bear the following additional marking on the first page and on the front cover:

RESTRICTED DATA

This document contains restricted data as defined in the Atomic Energy Act of 1954. Its transmittal or the disclosure of its contents in any manner to an unauthorized person is prohibited.

(d) *Documentation.* All Secret documents shall bear on the first page a properly completed documentation stamp such as the following:

This document consists of _____ pages.
Copy No. _____ of _____ Series _____

The series designation shall be a capital letter beginning with the letter "A" designating the original set of copies prepared. Each subsequent set of copies of the same documents shall be identified by the succeeding letter of the alphabet.

(e) *Letter of transmittal.* A letter transmitting Restricted Data shall be marked with a classification at least as high as its highest classified enclosure. When the contents of the letter of transmittal warrant lower classification or require no classification, a stamp or marking such as the following shall be used on the letter:

When separated from enclosures handle this document as _____

(f) *Permanently fastened documents.* Classified books or pamphlets the pages of which are permanently and securely fastened together shall be conspicuously marked or stamped with the assigned classification at the top and bottom on the outside front cover, on the title page, on the front page and on the inside and outside of the back cover.

(g) *Physically connected documents.* The classification of a file or group of

physically connected documents shall be at least as high as that of the most highly classified document therein. It shall bear only one over-all classification, although pages, paragraphs, sections, or components thereof may bear different classifications. Each document separated from the file or group shall be handled in accordance with its individual classification.

(h) *Attachment of security markings.* Documents which do not lend themselves to marking or stamping will have securely affixed or attached a tag, sticker, or similar device bearing the appropriate security markings.

§ 95.33 External transmission of documents and material—(a) Restriction. Documents and material containing Restricted Data shall be transmitted only to individuals (1) who are appropriately cleared, and (2) who possess facilities for its physical security consistent with this part. Any person transmitting such documents and material shall be deemed to have fulfilled his obligations under this subparagraph by securing a written certification from the prospective recipient that such recipient possesses facilities for its physical security consistent with this part.

(b) *Preparation of documents.* Documents containing Restricted Data shall be prepared for transmission outside an individual installation in accordance with the following:

(1) They shall be enclosed in two sealed opaque envelopes or wrappers for transmission.

(2) The inner envelope or wrapper shall be addressed in the ordinary manner and sealed with tape, the appropriate classification shall be placed on both sides of the envelope and the additional marking referred to in § 95.32 (c) shall be placed on the face of the envelope.

(3) The outer envelope or wrapper shall be addressed in the ordinary manner and shall not contain any indication that the document enclosed therein contains Restricted Data.

(4) A receipt accompanying the document, which identifies the document, the date of transfer, the recipient and the person transferring the document shall be prepared by the sender and shall be signed by the recipient and returned to the sender whenever the custody of a Secret Document is transferred.

(c) *Preparation of material.* Material containing Restricted Data shall be prepared for shipment outside an individual installation in accordance with the following:

(1) The material shall be so packaged that the classified characteristics will not be revealed.

(2) A receipt accompanying the material which identifies the material, the date of shipment, the recipient, and the person transferring the material shall be prepared by the sender and the recipient shall sign such receipt whenever the custody of Secret material is transferred.

(d) *Methods of transportation.* (1) Secret documents and material may be transported only by one of the following methods:

(i) By registered mail,

(ii) By commercial protective signature service, or

(iii) By individuals possessing appropriate AEC security clearance who have been given written authority by their employers.

(2) Confidential documents and material shall be transported by one of the methods set forth in subparagraph (1) of this paragraph except that:

(i) Confidential material may be shipped in sealed carload or truckload lots where the bill of lading requires the carrier to check the seals enroute to and at destination, or in planeload lots where the bill of lading requires the carrier to maintain continuous surveillance of the cargo until delivery to the consignee;

(ii) Confidential material of less than carload, truckload, or planeload lots may be shipped by regular commercial carrier when the container and its contents weigh more than 500 pounds and such container is locked or sealed.

(e) *Transmission by cryptographic means.* Cryptographic systems shall not be used for the transmission of Restricted Data unless approved by the Commission.

(f) *Transmission within the United States only.* Documents or material containing Restricted Data shall not be transmitted outside the United States without prior authorization of the Commission.

§ 95.34 *Accountability for Secret Documents.* Any person possessing documents containing Secret Restricted Data shall establish a document accountability procedure and shall maintain records to show the disposition of all such documents which have been in his possession at any time.

§ 95.35 *Authority to reproduce.* Nothing in this part shall be deemed to prohibit any person possessing documents containing Restricted Data from reproducing any Confidential documents, or any Secret documents originated by him. He shall not reproduce any other documents containing Secret Restricted Data without prior authorization from the Commission.

§ 95.36 *Changes in classification.* No person shall authorize the downgrading to a lower classification or the declassification of a document containing Restricted Data. Requests for downgrading or declassification shall be submitted to the Commission. If the Commission approves a change of classification or declassification, the previous classification marking shall be cancelled and the following statement, properly completed, shall be placed on the first page of the document:

Classification cancelled (or changed to) _____ by author-
(Insert appropriate classification)
ity of _____

(Persons authorizing change in
classification)
by _____
(Signature of person making change and
date thereof)

Any person making a change in classification or receiving notice of such a change shall forward notice of the change in classification to holders of all copies as shown on his records.

§ 95.37 *Destruction of documents containing Restricted Data.* Documents containing Restricted Data shall be destroyed only by shredding and burning, pulping or by any other method that assures complete destruction of the in-

formation. If the document contains Secret Restricted Data, the person destroying the document shall make a permanent record of the subject, title, or report number of the document, its date of preparation, its series designation and report number, and the date of destruction. This record shall be signed by the person authorizing the destruction of the document and shall be maintained in the office of the last custodian.

§ 95.38 *Reports.* Any contractor or licensee shall report immediately to the Commission all losses of documents or material containing Restricted Data.

§ 95.39 *Inspection.* The Commission shall have the right to make such inspections of the premises and activities of any person possessing Restricted Data in connection with any activity authorized pursuant to the act as the Commission deems necessary to assure compliance with the provisions of this part.

§ 95.40 *Violations.* An injunction or other court order may be obtained prohibiting any violation of any provision of the act or any regulation or order issued thereunder. Any person who willfully violates any provision of the act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

Dated at Washington, D. C., this 12th day of April 1955.

K. D. NICHOLS,
General Manager.

[F. R. Doc. 55-3115; Filed, Apr. 14, 1955;
8:48 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

MARY CLAIRE DE LA M. HANSEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mary Claire de la M. Hansen, 1 Eckehardtstrasse, Mettmann, Rhineland, Germany; Claim No. 36024; \$16,730.99 in the Treasury of the United States.

All right, title, interest and claim of any kind or character of Marie de la N. Hansen in and to the trust estate created under the will of Delima B. Woodward, deceased, Pennsylvania Company for Banking and Trusts, trustee, as vested by Vesting Order No. 3244 (9 F. R. 2760; March 11, 1944).

Executed at Washington, D. C., on March 22, 1955.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-3126; Filed, Apr. 14, 1955;
8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

AGRICULTURAL CONSERVATION PROGRAM SERVICE

TRANSFER OF CERTAIN FUNCTIONS WITH RESPECT TO EMERGENCY WIND EROSION CONTROL MEASURES

Pursuant to the authority contained in Reorganization Plan No. 2 of 1953, section 600 of the Secretary's order of December 24, 1953 (18 F. R. 74), is further amended so as to transfer to the Agricultural Conservation Program Service the function and responsibility of administering a program of emergency

wind erosion control measures pursuant to Public Law 875, 81st Congress, and the allocation of funds thereunder from the President on April 7, 1955, such program to consist of cost-sharing as provided for in § 1101.697 (Practice F-4) of the 1955 National Agricultural Conservation Program Bulletin, and to read as follows:

SEC. 600. *Assignment of functions.*

b. A program of emergency wind erosion control measures pursuant to Public Law 875, 81st Congress, and the allocation of funds thereunder to the Secretary by the President on April 7, 1955, such program to consist of cost-sharing as provided for in § 1101.697 (Practice F-4) (7 CFR 1101.697) of the 1955 National Agricultural Conservation Program Bulletin.

Done at Washington, D. C., this 11th day of April 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-3113; Filed, Apr. 14, 1955;
8:48 a. m.]

MISSISSIPPI

DESIGNATION OF ADDITIONAL AREAS FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it is determined that in the following named additional counties in the State of Mississippi a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSISSIPPI

Forrest.	Lamar.
George.	Marion.
Greene.	Pearl River.
Hancock.	Perry.
Harrison.	Stone.
Jackson.	Walthall.
Jones.	Wayne.

Pursuant to the authority as set forth above, such loans will not be made in the above-named counties in the State of Mississippi after December 31, 1955, except to borrowers who previously received such assistance.

Done at Washington, D. C., this 12th day of April 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-3129; Filed, Apr. 14, 1955;
8:52 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

TOKYO SHOKO K. K. ET AL.

ORDER TEMPORARILY DENYING EXPORT PRIVILEGES

In the matter of Tokyo Shoko K. K., Tadami Maru, No. 9 Kyobashi 2-Chome, Chuo-Ku, Tokyo, Japan, and Yonesaburo Takeno, No. 14 Hirano-Machi 3-Chome, Higashi-Ku, Osaka, Japan, as officials thereof; Fujisawa Shoko K. K., Yonesaburo Takeno, an official thereof, No. 14 Hirano-Machi 3-Chome, Higashi-Ku, Osaka, Japan; Chunichi Seiyaku K. K., Toshio Kato, Motohisa Kato, officials thereof, No. 14 Daikancho, Tate, Higashiku, Nagoyashi, Japan; Levee and Company, S. K. Lai, I. K. Lai, owners thereof, 50 Queen's Road Central, Hong Kong; Levee and Company, S. K. Lai, I. K. Lai, owners thereof, Room 604, Fukoku Bldg, Uchisaiwai-Cho 2-Chome, Chiyoda-Ku, Tokyo, Japan; Respondents.

In accordance with the provisions of § 382.11 (b) of the Export Control Regulations (Title 15, Chapter III, Subchapter C, Code of Federal Regulations) the Director, Export Control Investigation Staff of the Bureau of Foreign Commerce, United States Department of Commerce, on March 24, 1955, submitted an application for an order temporarily denying all United States export privileges to the above-named companies and individuals (herein referred to as the Respondents) alleging therein that there is reasonable cause to believe that the

Respondents have violated the Export Control Act of 1949, as amended, and the regulations promulgated thereunder, that such violations are serious and wilful and may continue unless the Respondents' export privileges are temporarily curtailed, that an investigation in this country and abroad is now pending into their activities relating to United States exports, and that such curtailment is reasonable and necessary to protect the public interest pending the completion of administrative compliance proceedings which are to be instituted against the Respondents when the current investigation is completed.

The Acting Director, Office of Export Supply, Bureau of Foreign Commerce, thereafter designated Compliance Commissioner Paul M. Greene to receive and consider the evidence compiled by the Investigation Staff relating to the alleged violations and to make a report and recommendation thereon and such evidence was informally presented to the Compliance Commissioner at an ex parte hearing held by him in Washington, D. C., on March 28, 1955, at which the Director, Export Control Investigation Staff and the Office of the General Counsel appeared by representatives, and the Compliance Commissioner thereafter submitted his report and recommendation.

The Director, Office of Export Supply, has reviewed the evidence considered by the Compliance Commissioner and the Commissioner's report and recommendation and has concluded that such evidence furnishes reasonable cause to believe that the Respondents were uncooperative with and made false and misleading statements to United States Foreign Service officials in Japan in connection with an investigation into the ultimate disposition of two (2) shipments of borax and boric acid valued at approximately \$20,000.00 which had been exported from the United States in 1954, and sought to conceal and did conceal the final destination of the borax and boric acid which are suspected as having been diverted and transhipped to Red China contrary to United States export control law; that at least one (1) of such shipments, if not both, contained on the related shipping documents the required notice prohibiting the unauthorized diversion of the commodity from the licensed destination, Japan; that one of the Respondents, Chunichi Seiyaku K. K., reportedly has been a bankrupt since early in 1954 and its business operations have been suspended since that time despite which it made written representations to the Bureau of Foreign Commerce on two occasions in November 1954 that it was the consignee for United States origin borates; that with respect to another proposed exportation from the United States of 500 tons of borates valued at \$35,045.00 Respondents Tokyo Shoko K. K. and Fujisawa Shoko K. K., reportedly interrelated firms, collaborated in obtaining an order therefor from Chunichi Seiyaku K. K. in November 1954 although knowing or having reason to know that Chunichi Seiyaku K. K. was not then in

business and was a bankrupt and that Tokyo Shoko K. K. made representations to the Bureau of Foreign Commerce, with the assistance of Chunichi Seiyaku K. K., to induce the issuance of an export license and to facilitate the exportation of the borate to Tokyo Shoko K. K. as the purported ultimate consignee and user in Japan; and that such proposed exportation was not permitted by the Bureau of Foreign Commerce upon learning of the bankrupt status of Chunichi Seiyaku K. K. and of the wilfully evasive and misleading oral statements of the other companies to the transaction concerning the true ultimate disposition of the borates as made to Foreign Service officials.

The evidence shows also that in addition to having appeared as parties to applications for United States export licenses the Respondents may be parties to further exportations of commodities from the United States pursuant to validated and general license.

The Director, Office of Export Supply, has concluded therefrom that there is probable cause to believe that the Respondents have violated the Export Control Act of 1949, as amended, and the regulations issued thereunder, and may continue to violate the same to the detriment of the United States security and economy unless they are prohibited from participating further in United States exportations of commodities pending the ultimate disposition of administrative compliance proceedings.

The Director, Office of Export Supply, has concluded therefore that the temporary denial of Respondents' United States export privileges is reasonable and necessary to protect the public interest, is justified by the evidence considered, is in accord with Bureau of Foreign Commerce policy, and that the Compliance Commissioner's recommendation that a temporary denial order be issued against the Respondents is fair and reasonable and should be adopted.

Now, to achieve effective enforcement of the export control law and regulations: *It is hereby ordered:*

(1) All outstanding validated export licenses held by or issued in the names of the Respondents, or any of them, or in which they appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

(2) The Respondents, and each of them, their successors or assigns, directors, officers, partners, representatives, agents, and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form or capacity in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit said respondents' and such other persons' and firms' participation (a) as a party or as a representative of a party to any validated export license

applications; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(3) Such denial of export privileges shall apply not only to the named Respondents, but also to any person, firm, corporation, or business organization with which they, or any of them, may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

(4) This order shall take effect on the date appearing below and shall remain in effect until the administrative compliance proceedings now under preparation by the Bureau of Foreign Commerce against said Respondents, or any of them, shall be ultimately determined and disposed of, except insofar as this order may be hereafter extended, amended, or modified in accordance with the provisions of the export control regulations.

(5) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, shall without prior disclosure of the facts to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, use, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States with respect to which any of the persons or companies within the scope of paragraphs (2) and (3) herein above have any interest or participation of any kind or nature, direct or indirect.

(6) A certified copy of this order shall be served upon the named respondents by registered mail.

(7) In accordance with the provisions of Section 382.11 (c) of the export control regulations, the Respondents, or any of them, may move at any time prior to the entry of a final order of suspension to vacate or modify this temporary suspension order by filing an appropriate motion therefor with the Compliance Commissioner and may request oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner in Washington, D. C., at the earliest possible date.

Dated: April 11, 1955.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 55-3123; Filed, Apr. 14, 1955;
8:50 a. m.]

Federal Maritime Board

PACIFIC WESTBOUND CONFERENCE ET AL. NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 57-53, between the member lines of the Pacific Westbound Conference, modifies the appendix to the basic agreement of that conference (No. 57) to provide that the district having the rate-making initiative on a commodity may not change the terms and conditions in connection with such rates without general conference approval.

(2) Agreement No. 57-54 between the member lines of the Pacific Westbound Conference, modifies the appendix to the basic agreement of that conference (No. 57) to provide for the basing of the rates to the differential ports of Takao and Keelung, Formosa, upon the Japan base port rate rather than the Hong Kong rate.

(3) Agreement No. 5700-3 between the member lines of the New York Freight Bureau (Hong Kong), modifies the basic agreement of that Conference (No. 5700) to provide that the term of each new chairman elected from the conference membership shall be for a period of six months instead of twelve months as presently provided.

(4) Agreement No. 8029 between Nippon Yusen Kaisha (N. Y. K. Line) and Waterman Steamship Corporation, covers the transportation of cargo under through bills of lading from the Far East to Puerto Rico, with transshipment at designated Pacific Coast ports of the United States.

(5) Agreement No. 8032 between Nippon Yusen Kaisha (N. Y. K. Line) and Pope & Talbot, Inc., and Pacific Argentine Brazil Line, Inc., covers the transportation of cargo under through bills of lading from the Far East to Puerto Rico, with transshipment at designated Pacific Coast ports of the United States.

(6) Agreement No. 8080-1, between the member lines of the Atlantic and Gulf-Indonesia Conference, modifies the basic agreement of that conference (No. 8080) by changing the quorum and voting provisions thereof.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 12, 1955.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 55-3131; Filed, Apr. 14, 1955;
8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[Administrative Order 3]

CHIEF, HELIUM OPERATIONS

REDELEGATION OF AUTHORITY TO EXECUTE CONTRACTS FOR THE SALE OF HELIUM

MARCH 29, 1955.

In accordance with the provisions of Administrative Order No. 709 of March 8, 1955 (20 F. R. 1589), authority delegated to the Assistant Director for Helium Activity to execute contracts for the sale of helium is redelegated to the Chief, Helium Operations, subject to the exceptions and provisions contained in the above cited order.

C. W. SEIBEL,
Assistant Director for
Helium Activity.

[F. R. Doc. 55-3102; Filed, Apr. 14, 1955;
8:45 a. m.]

Office of the Secretary

SHIVWITS, KANOSH, KOOSHAREM AND INDIAN PEAKS BANDS OF THE PAIUTE INDIAN TRIBE

NOTICE OF PROPOSED MEMBERSHIP ROLLS

APRIL 7, 1955.

Pursuant to section 3 of the act of September 1, 1954 (68 Stat. 1099), there are listed below the proposed rolls of the Shivwits, Kanosh, Koosharem and Indian Peaks Bands of the Paiute Indian Tribe who were living on September 1, 1954.

Appeals contesting the inclusion or omission of the name of any person on or from any of such rolls may be filed within 60 days from the date of the publication of this notice. Such appeals shall be filed in accordance with the regulations of the Department of the Interior appearing in 25 CFR Part 55 (20 F. R. 336, January 14, 1955).

ORME LEWIS,
Assistant Secretary of the Interior.

CERTIFICATE

JANUARY 25, 1955.

This is to certify that pursuant to section 3, Public Law 762, 83d Congress, Chapter 1207, 2d Session (68 Stat. 1099) the Shivwits Band of Paiute Indians has prepared and does herewith submit to the Secretary of the Interior a proposed roll of the members of the band living on the date of enactment of Public Law 762. This is to further certify to the best of our knowledge and belief that the proposed roll of the group submitted herewith listed on 9 pages containing 130 names constitutes the roll and contains the names of the members living on September 1, 1954, the date of enactment of Public Law 762.

Dated: January 25, 1955.

THE SHIVWITS BAND OF
PAIUTE INDIANS,
By JAMES YELLOWJACKET,
Chairman.

Attest: STEWART SNOW,
Secretary.

Subscribed and sworn to before me this 25th day of January 1955.

HARRY W. GILMORE,
Superintendent.

PROPOSED ROLL—SHIHWITS BAND OF PAIUTE INDIANS OF THE STATE OF UTAH, SEPT. 1, 1954

Roll No.		Name	Sex	Age	Date of birth	Degree of blood	Family relationship	Residence	Allotment No.	Remarks
Present	Last									
1	1	Asket, Rex	M	70	1884	F	Head	Santa Clara, Utah	None	None
2	2	Asket, Nora	F	58	1896	F	Wife	do	None	Wife of 1.
3	3	Asket, Lester	M	20	Aug. 2, 1934	F	Son	do	None	Son of 1 and 2.
4	5	Bow (Nappy Loyd), Callie	F	41	July 15, 1913	F	Head	Longandale, Nev	None	None
5	6	Bushhead, Seth	M	58	1896	F	Head	Santa Clara, Utah	None	None
6	7	Bushhead, Edrick	M	40	1914	F	Son	do	None	Son of 5.
7	8	Bushhead, Warren	M	31	Nov. 7, 1923	F	Son	do	None	Son of 5.
8	9	Bushhead, Phillip Joe	M	13	Jan. 18, 1940	F	Son	do	None	Son of 5.
9	10	Bushhead, Smith	M	25	Nov. 18, 1929	F	Son	do	None	Son of 5.
10	11	Bushhead, Halwina	F	9	Apr. 6, 1944	F	Daughter	do	None	Daughter of 6.
11	12	Bushhead, Willard	M	30	1924	F	Head	do	None	None
12	13	Bushhead, Gilbert	M	29	Nov. 5, 1925	F	Head	do	None	None
13	14	Ben (Tillashash), Wetona	F	24	Feb. 20, 1929	F	Head	do	None	None
14	15	Ben, Tony M.	M	5	Apr. 24, 1948	15/16	Son	do	None	None
15	16	Blancard (Meyers), Adeline	F	4	June 18, 1949	15/16	Daughter	do	None	Daughter of 13.
16	17	Blancard, Bert	M	27	Mar. 13, 1926	F	Head	do	None	None
17	18	Charles, Peterson	M	3	Nov. 1951	1/2	Son	do	None	Son of 16.
18	19	Charles, Kenneth	M	37	July 4, 1917	F	Head	do	None	None
19	20	Charles, Arden	M	10	May 20, 1943	F	Son	Richfield, Utah	None	None
20	21	Charles, Cheryl Ann	F	6	Sept. 24, 1948	F	Daughter	do	None	Daughter of 19.
21	22	Charles, Melvera	F	3	June 16, 1950	F	Daughter	do	None	Daughter of 19.
22	23	Charles, Patrick K.	M	3	Mar. 17, 1954	F	Son	do	None	Son of 19.
23	24	Fisher (Snow), Louise	F	43	1911	F	Head	Moapa, Nev	None	None
24	25	Flatcherhat (Snow), Larrec	F	20	Oct. 16, 1934	F	Head	Santa Clara, Utah	None	None
25	26	Flatcherhat, Gaylean	F	2	Nov. 3, 1952	F	Daughter	do	None	Daughter of 25.
26	27	Rogers, Will	M	28	May 4, 1925	F	Head	do	None	None
27	28	Rogers, Dwella	F	20	Aug. 7, 1933	F	Wife	do	None	Wife of 27.
28	29	Rogers, Glan	M	1	Oct. 2, 1953	F	Son	do	None	Son of 27 and 28.
29	30	Rogers, Ranford	M	2	Feb. 5, 1952	F	Son	do	None	Son of 27 and 28.
30	31	Rogers, Archie	M	39	1915	F	Head	Lund, Nev	None	None
31	32	Rogers, Temella	F	4	Mar. 11, 1939	F	Daughter	do	None	Daughter of 31.
32	33	Rogers, Milton	M	14	Sept. 4, 1940	F	Son	do	None	Son of 31.
33	34	Rogers, Lamina	F	11	April 6, 1942	F	Daughter	do	None	Daughter of 31.
34	35	Rogers, Wymor	M	9	Jan. 18, 1944	F	Son	do	None	Son of 31.
35	36	Rogers, Jonny	M	82	1872	F	Head	Santa Clara, Utah	None	None
36	37	Rogers (Mokeac), Sue	F	62	1892	F	Wife	do	None	Wife of 36.
37	38	Bullets (Crissy), Ramona	F	31	1923	F	Head	do	None	None
38	39	Bullets (Foster), Danny	M	1	Oct. 2, 1953	F	Son	do	None	Son of 38.
39	40	Pikywit (George), Mildred	F	20	Sept. 16, 1934	F	Head	Meadow, Utah	None	None
40	41	Grayman, Charley	M	48	1906	F	Head	Santa Clara, Utah	None	None
41	42	Grayman (Bushhead), Esther	F	37	Sept. 15, 1917	F	Wife	do	None	Wife of 41.
42	43	Grayman, Waleah	F	14	Apr. 26, 1940	F	Daughter	do	None	Daughter of 41 and 42.
43	44	Grayman, Helena	F	13	Sept. 8, 1941	F	Daughter	do	None	Daughter of 41 and 42.
44	45	Grayman, Patsy	F	7	Aug. 16, 1947	F	Daughter	do	None	Daughter of 41 and 42.
45	46	Grayman, Norman	M	5	June 16, 1949	F	Son	do	None	Son of 41 and 42.
46	47	Grayman, Judith	F	11	July 23, 1943	F	Daughter	do	None	Daughter of 41 and 42.
47	48	Grayman, Farman	M	9	May 1945	F	Son	do	None	Son of 41 and 42.
48	49	Grejeda (Pinkle), Rose	F	64	1890	F	Head	Caliente, Nev	None	None
49	50	Benn, Edith	F	29	Sept. 28, 1925	F	Daughter	do	None	Daughter of 49.
50	51	Grejeda, Lola	F	23	Dec. 25, 1930	F	Daughter	do	None	Daughter of 49.
51	52	Grejeda, Albert	M	21	Apr. 20, 1933	F	Son	do	None	Son of 49.
52	53	John (Snow), Ada	F	45	1909	F	Head	Santa Clara, Utah	None	None
53	54	John, Wendel	M	26	Dec. 22, 1927	F	Son	do	None	Son of 53.
54	55	John, Cecilia	F	15	May 22, 1939	F	Daughter	do	None	Daughter of 53.
55	56	John, Clement	M	10	Oct. 24, 1944	F	Son	do	None	Son of 53.
56	57	John, Clarence	M	7	Apr. 30, 1947	F	Son	do	None	Son of 53.
57	58	John, Delwin	M	19	Feb. 26, 1935	F	Son	do	None	Son of 53.
58	59	John, Lucius	F	17	Jan. 30, 1937	F	Daughter	do	None	Daughter of 53.
59	60	John, Melvin	M	28	July 8, 1925	F	Head	do	None	None
60	61	John, Leona	F	7	July 7, 1947	F	Daughter	do	None	Daughter of 60.
61	62	John, Cliff	M	1	Dec. 10, 1952	F	Son	do	None	Son of 60.
62	63	Levi (Tillashash), Flora	F	34	Jan. 10, 1920	F	Head	do	None	None
63	64	McFee, George	M	60	1904	F	Head	do	None	None
64	65	McFee (Snow), Marie	F	41	1913	F	Wife	do	None	Wife of 64.
65	66	McFee, Wesley	M	20	Sept. 18, 1934	F	Son	do	None	Son of 64 and 65.
66	67	McFee, Laurene	F	16	July 13, 1938	F	Daughter	do	None	Daughter of 64 and 65.
67	68	McFee, Betty	F	5	Jan. 7, 1949	F	Daughter	do	None	Daughter of 64 and 65.
68	69	McFee, Clinton	M	14	July 14, 1940	F	Son	do	None	Son of 64 and 65.
69	70	McFee, Jenny	F	10	Jan. 27, 1944	F	Daughter	do	None	Daughter of 64 and 65.
70	71	McFee, Evelina	F	7	July 25, 1947	F	Daughter	do	None	Daughter of 64 and 65.
71	72	Marble, Bertha	F	54	1900	F	Head	do	None	None
72	73	Marble, Dorothy	F	27	Sept. 21, 1927	F	Daughter	do	None	Daughter of 72.
73	74	Marble, Alvin	M	7	May 5, 1947	F	Son	do	None	Son of 73.
74	75	Wall (Marble), Evelyn	F	23	Apr. 29, 1931	F	Head	do	None	None
75	76	Wall, Gwendolyn	F	7	July, 20 1947	F	Daughter	do	None	Daughter of 75.
76	77	Wall, Marie	F	2	Aug. 20, 1952	F	Daughter	do	None	Daughter of 75.
77	78	Tom (Myers), Arlene	F	29	Mar. 11, 1925	F	Head	Mocasin, Ariz	None	None
78	79	Timican (Myers), Clara	F	27	July 19, 1927	F	Head	Grantsville, Utah	None	None
79	80	Mose (Jake), Serena	F	47	1907	F	Head	Santa Clara, Utah	None	None
80	81	Mokeac, Marvin	M	16	Mar. 24, 1938	F	Son	do	None	Son of 80.
81	82	Myers (Nappy), Flora	F	42	1912	F	Head	do	None	None
82	83	Myers, Ellie	F	22	June 24, 1932	F	Daughter	do	None	Daughter of 82.
83	84	Myers, Ferrell	M	20	Feb. 17, 1934	F	Son	do	None	Son of 82.
84	85	Myers, Buddy	M	19	June 13, 1935	F	Son	do	None	Son of 82.
85	86	Myers, Dora	F	18	Oct. 15, 1936	F	Daughter	do	None	Daughter of 82.
86	87	Kay, Amy; Pinkie, Agnes M.	F	34	Mar. 15, 1920	F	Head	do	None	None
87	88	Rice, Edward	M	45	1909	F	Head	do	None	None
88	89	Rice, Sterling	M	13	Nov. 26, 1940	F	Son	do	None	Son of 88.
89	90	Smoke, Lyman	M	30	Feb. 23, 1924	F	Head	do	None	None
90	91	Smoke, Sam	M	67	1887	F	Head	do	None	None
91	92	John (Smoke), Nevada	F	28	Sept. 28, 1926	F	Head	do	None	None
92	93	John, Sandra	F	1	Jan. 14, 1953	F	Daughter	do	None	Daughter of 92.
93	94	Snow, Ida	F	75	1879	F	Head	do	None	None
94	95	Jake (Snow, McFee), Yerta	F	38	Mar. 7, 1916	F	Head	Cedar City, Utah	None	None
95	96	Jake (Rice), Marilyn	F	17	June 22, 1937	F	Head	do	None	None
96	97	Snow, Lee	M	42	1912	F	Head	Santa Clara, Utah	None	None
97	98	Snow, Leon Mitchell	M	18	Mar. 4, 1936	F	Son	do	None	Son of 97.
98	99	Snow, Arnold	M	16	Feb. 26 1938	F	Son	do	None	Son of 97.
99	100	Snow, Alvin	M	11	Dec. 19, 1942	F	Daughter	do	None	Daughter of 97.
100	101	McFee, Roland	M	35	Mar. 22, 1919	F	Head	do	None	None
101	102	Snow, Stewart	M	49	1905	F	Head	do	None	None
102	103	Snow (Bushhead), Mary	F	39	1915	F	Wife	do	None	Wife of 102.
103	104	Snow, Crawford	M	11	Aug. 10, 1943	F	Son	do	None	Son of 102.
104	105	Snow, Domitta	F	8	May 4, 1946	F	Daughter	do	None	Daughter of 102 and 103.

PROPOSED ROLL—SHIVWITS BAND OF PAIUTE INDIANS OF THE STATE OF UTAH, SEPT. 1, 1954—Continued

Roll No.		Name	Sex	Age	Date of birth	Degree of blood	Family relationship	Residence	Allotment No.	Remarks
Present	Last									
106	110	Snow, Beverley	F	16	Oct. 8, 1938	F	Daughter	Santa Clara, Utah	None	Daughter of 102 and 103.
107	111	Snow, Aldean	F	12	May 26, 1942	F	Daughter	do	None	Daughter of 102 and 103.
108	112	Snow, Frank Mart	M	2	Feb. 10, 1952	F	Son	do	None	Son of 102 and 103.
109		Snow, Kim	M		Apr. 19, 1954	F	Son	do	None	Son of 102 and 103.
110	113	Tillahash, Tony	M	68	1886	F	Head	do	None	None.
111	114	Tillahash (Simon), Bessie	F	64	Oct. 15, 1889	F	Wife	do	None	Wife of 110.
112	115	Tillahash, Clyde	M	27	June 24, 1927	F	Son	do	None	Son of 110 and 111.
113	116	Tillahash, Larna	F	17	Sept. 23, 1937	F	Daughter	do	None	Daughter of 110 and 111.
114	117	John (Tillahash), Lilly	F	29	Apr. 20, 1925	F	Head	do	None	None.
115	118	Tillahash, Arthur	M	23	Apr. 18, 1931	F	Head	do	None	None.
116		Tillahash, Darrell	M		Feb. 18, 1954	F	Son	do	None	Son of 115.
117	121	Wall (Tillahash), Eunice	F	19	Feb. 23, 1935	F	Head	do	None	None.
118		Wall, Karby	M	3	July 23, 1951	F	Son	do	None	Son of 117.
119		Wall, Marrell	M	2	July 31, 1952	F	Son	do	None	Son of 117.
120		Wall, Mitzie	F	1	Dec. 15, 1953	F	Daughter	do	None	Daughter of 117.
121		Yellow Jacket, James	M	56	1898	F	Head	do	None	None.
122		George, Walter	M	52	1902	F	Head	do	None	None.
123		Mokenc, Rex	M	70	1884	F	Head	do	None	None.
124		Parashant, Katherine	F	72	1882	F	Head	Cedar City, Utah	None	None.
125		Parashant, May	F	26	Oct. 10, 1927	F	Daughter	do	None	Daughter of 124.
126	89	Rice, Albert	M	40	1914	F	Head	Moapa, Nev.	None	None.
127		Charles, Ida Mae	F	4	Aug. 28, 1950	F	Daughter	Santa Clara, Utah	None	Daughter of 18.
128		John Joseph Wendell	M		Aug. 15, 1954	F	Son	do	None	Son of 54.
129		Pete, Josephine	F	54	Aug. 11, 1900	F	Head	Cedar City, Utah	None	None.
130		Benson, Ruth	F	29	Feb. 13, 1925	F	Head	do	None	None.

CERTIFICATE

JANUARY 24, 1955.

This is to certify that pursuant to section 3, Public Law 762, 83d Congress, Chapter 1207, 2d Session (68 Stat. 1099) The Kanosh Band of Paiute Indians has prepared and does herewith submit to the Secretary of the Interior a proposed roll of the members of the band living on the date of enactment of Public Law 762. This is to further certify to the best of our knowledge and belief that the proposed roll of the group submitted herewith listed on 3 pages containing 42 names constitutes the roll and contains the names of the members living on September 1, 1954, the date of enactment of Public Law 762.

Dated: January 24, 1955.

THE KANOSH BAND OF PAIUTE INDIANS,
By WEISS LEVI, Chairman.

Attest: LONNIE KOUCHAMP, Secretary-Treasurer.

Subscribed and sworn to before me this 24th day of January 1955.

HARRY W. GILMORE, Superintendent.

PROPOSED ROLL—KANOSH BAND OF PAIUTE INDIANS OF THE STATE OF UTAH, SEPT. 1, 1954

Roll No.		Name	Sex	Age	Date of birth	Degree of blood	Family relationship	Residence	Allotment No.	Remarks
Present	Last									
1	5	Brooks (Sobrequin), Joan	F	28	1926	F	Head	Tuba City, Ariz.	None	None.
2	6	Provo (Sobrequin), Margene	F	26	Mar. 5, 1928	F	Head	Kanosh, Utah	None	None.
3	7	Huncup, Isaac	M	106	1848	F	Head	do	None	None.
4	9	Levi, Wesley	M	66	1888	F	Head	do	P. D. Al. 783591	None.
5	10	Kominsky (Levi), Rena	F	56	1898	F	Head	do	None	None.
6	11	Levi, Johnson	M	45	1909	F	Head	do	783588	None.
7	12	Levi, Cecil Glenn	M	11	Jan. 29, 1943	F	Son	do	None	Son of 6.
8	13	Levi, Wayne	M	10	Dec. 18, 1944	F	Son	do	None	Son of 6.
9	14	Levi, Blanche	F	8	Oct. 9, 1946	F	Daughter	do	None	Daughter of 6.
10	15	Levi, Patricia A	F	6	July 19, 1948	F	Daughter	do	None	Daughter of 6.
11	16	Levi, Amy Thelma	F	4	Aug. 19, 1950	F	Daughter	do	None	Daughter of 6.
12	17	Levi, Andy Arron	M	3	Dec. 31, 1951	F	Son	do	None	Son of 6.
13	18	Levi, Fred	M	49	1905	F	Head	Santa Clara, Utah	P. D. Al. 783590	None.
14	19	Levi, Leonard	M	17	Oct. 9, 1937	F	Son	do	None	Son of 13.
15	20	Levi, Sherman	M	13	Sept. 21, 1941	F	Son	do	None	Son of 13.
16	21	Kouchomp, Lonnie	M	62	1892	F	Head	Kanosh, Utah	None	None.
17	23	Pikyavit, McKay	M	24	Aug. 12, 1930	F	Head	Meadow, Utah	None	None.
18	24	Pikyavit, Duane	M	3	Oct. 16, 1951	F	Son	do	None	Son of 17.
19	25	Chelester, Florilla	F	32	Oct. 10, 1922	F	Head	Richfield, Utah	None	None.
20	26	Timicium, Shirley	F	18	Oct. 14, 1936	F	Daughter	do	None	Daughter of 19.
21	27	Woodie (Levi), Ida	F	68		F	Head	Koosharem, Utah	None	None.
22	28	Pikyavit, Joseph	M	62	1892	F	Head	Meadow, Utah	None	None.
23	29	Pikyavit, Emily	F	41	1913	F	Wife	do	None	Wife of 22.
24	30	Pikyavit, Earl	M	21	Mar. 17, 1933	F	Son	do	None	Son of 22 and 23.
25	31	Pikyavit, Louise	F	17	Feb. 11, 1937	F	Daughter	do	None	Daughter of 22 and 23.
26	32	Pikyavit, Ralph	M	15	May 1, 1939	F	Son	do	None	Son of 22 and 23.
27	33	Pikyavit, Phil	M	12	Oct. 13, 1942	F	Son	do	None	Son of 22 and 23.
28	34	Pikyavit, Madeline	F	11	Dec. 31, 1943	F	Daughter	do	None	Daughter of 22 and 23.
29	35	Pikyavit, Frank	M	7	Aug. 23, 1947	F	Son	do	None	Son of 22 and 23.
30	36	Pikyavit, Vida Jane	F	4	July 27, 1950	F	Daughter	do	None	Daughter of 22 and 23.
31	37	Pikyavit, Florine	F	3	Jan. 19, 1951	F	Daughter	do	None	Daughter of 22 and 23.
32	39	Pikyavit, Francis	M	15	Dec. 1, 1939	F	Son	Kanosh, Utah	None	Lilly Pikyavit Goshuts, mother of 32, 33, 34, 35, and 36.
33	40	Pikyavit, Eldon	M	11	Nov. 16, 1943	F	Son	do	None	(See above.)
34	41	Pikyavit, Ted, Jr.	M	2	Dec. 2, 1952	F	Son	do	None	(See above.)
35	43	Pikyavit, Geraldine	F	10	Aug. 25, 1944	F	Daughter	do	None	(See above.)
36	44	Pikyavit, Darlene	F	8	May 23, 1946	F	Daughter	do	None	(See above.)
37		Anniky, Annie	F	73	1871	F	Head	do	None	None.
38		Levi, Lena	F	2	Apr. 12, 1952	F	Daughter	do	None	Daughter of 6.
39		Wicketts, Mary Ann	F	66	1888	F	Head	do	783599	None.
40		Chelester, Steve	M	5	Dec. 29, 1949	F	Son	Richfield, Utah	None	Son of 19.
41		Kouchomp, Dorothy Dick	F	63	Oct. 8, 1891	F	Wife	Kanosh, Utah	None	Wife of 16.
42	None	Pikyavit, Divina	F	9 mos.	Nov. 28, 1953	F	Daughter	do	None	Daughter of 17.

NOTICES

CERTIFICATE

JANUARY 27, 1955.

This is to certify that pursuant to section 3, Public Law 762, 83d Congress, Chapter 1207, 2d Session (68 Stat. 1099) the Koosharem Band of Paiute Indians has prepared and does herewith submit to the Secretary of the Interior a proposed roll of the members of the band living on the date of enactment of Public Law 762. This is to further certify to the best of our knowledge and belief that the proposed roll of the group submitted herewith listed on 3 pages containing 34 names constitutes the roll and contains the names of the members living on September 1, 1954, the date of enactment of Public Law 762.

Dated: January 27, 1955.

Attest: FRANK WOODY, Secretary.

Subscribed and sworn to before me this 27th day of January 1955.

THE KOOSHAREM BAND OF PAIUTE INDIANS,
By JIM TIMICAN, Spokesman.

HARRY W. GILMORE, Superintendent.

PROPOSED ROLL—KOOSHAREM BAND OF PAIUTE INDIANS OF THE STATE OF UTAH, SEPT. 1, 1954

Roll No.		Name	Sex	Age	Date of birth	Degree of blood	Family relationship	Residence	Allotment No.	Remarks
Present	Last									
1		Anmisky (Mix), Tommy	M	60	1894	F	Head	Richfield, Utah	None	None.
2		Arrowgarp, Dell	M	35	1919	F	Head	do	None	None.
3		Timican, Emma	F	68	1886	F	Head	do	None	None.
4		Charles (Timican), Vera	F	27	Mar. 25, 1927	F	Head	do	None	None.
5		Kanosh, Deere	M	43	Oct. 20, 1911	F	Head	do	None	None.
6		Kanosh, Dorris D.	F	16	Dec. 23, 1937	F	Daughter	do	None	Daughter of 5.
7		Kanosh, Jennie	F	11	Mar. 27, 1943	F	Daughter	do	None	Daughter of 5.
8		Kanosh, Clarice G.	F	9	Aug. 3, 1945	F	Daughter	do	None	Daughter of 5.
9		Kanosh, Collene	F	5	Mar. 2, 1949	F	Daughter	do	None	Daughter of 5.
10		Kanosh, Florence	F	65	1888	F	Head	do	None	None.
11		Kanosh, Edward	M	36	July 7, 1918	F	Son	do	None	Son of 10.
12		Kanosh, Lyman	M	42	Sept. 20, 1912	F	Head	do	None	None.
13		Kanosh, Linda	F	5	June 29, 1949	F	Daughter	do	None	Daughter of 12.
14		Kanosh, Larry B.	M	2	Oct. 7, 1952	F	Son	do	None	Son of 12.
15		Kanosh, Lorraine	F		May 29, 1954	F	Daughter	do	None	Daughter of 12.
16		Timican, Minnie	F	70	1884	F	Head	do	None	None.
17		Timican, Roy	M	35	Aug. 15, 1919	F	Son	do	None	None.
18		Timican, Rhoda Lee	F	32	Oct. 10, 1921	F	Daughter	do	None	Son of 16.
19		Timican, Henry	M	26	June 8, 1928	F	Son	do	None	Daughter of 16.
20		Timican, Genevieve	F	23	July 4, 1931	F	Daughter	do	None	Son of 16.
21		Timican, Douglas	M	31	Sept. 8, 1923	F	Head	do	None	Daughter of 16.
22		Timican, June	F	5	Oct. 17, 1948	F	Daughter	do	None	None.
23		Timican, Jim	M	59	1895	F	Head	do	None	Daughter of 21.
24		Timican, Annie	F	62	1902	F	Head	do	None	None.
25		Timican, Young	M	44	Sept. 9, 1910	F	Head	Richfield, Utah (Koosharem, Utah)	None	None.
26		Woodie, Frank	M	52	Sept. 4, 1902	F	Head	Richfield, Utah	None	None.
27		Yazzie (Timican), Julia	F	27	Apr. 24, 1927	F	Head	do	None	None.
28		Yazzie, Betty	F	8	Oct. 26, 1946	F	Daughter	do	None	Daughter of 27.
29		Yazzie, Joelee	F	6	Mar. 27, 1948	F	Daughter	do	None	Daughter of 27.
30		Yazzie, Bobby	M	2	Apr. 16, 1952	F	Son	do	None	Son of 27.
31		Yazzie, Fredena	F	1	Nov. 23, 1953	F	Daughter	do	None	Daughter of 27.
32		Lehi (Timican), Helen	F	34	Oct. 12, 1920	F	Head	do	None	None.
33		Lehi, Joyce	F	2	June 24, 1952	F	Daughter	do	None	Daughter of 32.
34		Lehi, Joy	F	2	June 24, 1952	F	Daughter	do	None	Daughter of 32.

CERTIFICATE

JANUARY 25, 1955.

This is to certify that pursuant to section 3, Public Law 762, 83d Congress, Chapter 1207, 2d Session (68 Stat. 1099) the Indian Peaks Band of Paiute Indians has prepared and does herewith submit to the Secretary of the Interior a proposed roll of the members of the band living on the date of enactment of Public Law 762. This is to further certify to the best of our knowledge and belief that the proposed roll of the group submitted herewith listed on 2 pages containing 26 names constitutes the roll and contains the names of the members living on September 1, 1954, the date of enactment of Public Law 762.

Dated: January 25, 1955.

Attest: GENEVA ANDERSON, Secretary.

Subscribed and sworn to before me this 25th day of January 1955.

THE INDIAN PEAKS BAND OF PAIUTE INDIANS,
By CLIFFORD JAKE, Spokesman.

HARRY W. GILMORE, Superintendent.

PROPOSED ROLL—INDIAN PEAKS BAND OF PAIUTE INDIANS OF THE STATE OF UTAH, SEPT. 1, 1954

Roll No.		Name	Sex	Age	Date of birth	Degree of blood	Family relationship	Residence	Allotment No.	Remarks
Present	Last									
1	1	Anderson (Jake), Geneva	F	29	Aug. 7, 1925	F	Head	Cedar City, Utah	None	None.
2	2	Anderson, Curtis	M	6	May 1, 1948	F	Son	do	None	Son of 1.
3	3	Anderson, Geneal	F	3	Jan. 7, 1951	F	Daughter	do	None	Daughter of 1.
4		Anderson, Jeanette	F	1	June 1, 1953	F	Daughter	do	None	Daughter of 1.
5	4	Jake, Carl	M	59	1895	F	Head	do	None	None.
6	5	Jake, Minnie	F	56	1898	F	Wife	do	None	Wife of 5.
7	6	Jake, Manell	M	6	Jan. 28, 1948	F	Son	do	None	Son of 5 and 6.
8	7	Jake, Ernestine	F	10	Feb. 25, 1944	F	Daughter	do	None	Daughter of 5 and 6.
9	8	Jake, Wilford	M	13	June 3, 1941	F	Son	do	None	Son of 5 and 6.
10		Jake, Shirley	F	17	1937	F	Daughter	do	None	Daughter of 5 and 6.
11	9	Jake, Clifford	M	35	1919	F	Head	do	None	None.
12	10	Jake, Darlena	F	10	June 22, 1944	F	Daughter	do	None	Daughter of 11.
13	11	Jake, Bryant	M	8	Apr. 7, 1946	F	Son	do	None	Son of 11.
14	12	Jake, Althen R.	F	5	Mar. 15, 1949	F	Daughter	do	None	Daughter of 11.
15	13	Jake, John	M	22	July 7, 1932	F	Head	do	None	None.
16		Jake, John Jr.	M	1	May 7, 1954	F	Son	do	None	Son of 15.

PROPOSED ROLL—INDIAN PEAKS BAND OF PAIUTE INDIANS OF THE STATE OF UTAH, SEPT. 1, 1954—Continued

Roll No.		Name	Sex	Age	Date of birth	Degree of blood	Family relationship	Residence	Allotment No.	Remarks
Present	Last									
17	19	Kanosh (Jake), Edwina	F	33	1921	F	Head	Richfield, Utah	None	None.
18		Kanosh, Wilbert	M	6	Jan. 11, 1948	F	Son	do	None	Son of 17.
19		Kanosh, Milo Dee	M	3	Jan. 11, 1951	F	Son	do	None	Son of 17.
20		Kanosh, Don Boyden	M	2	Apr. 17, 1952	F	Son	do	None	Son of 17.
21		Kanosh, Karn Anne	F	1	Sept. 23, 1953	F	Daughter	do	None	Daughter of 17.
22		Kanosh, Kennard K.	M	14	Feb. 28, 1940	F	Son	do	None	Son of 17.
23	14	Solis, Marie Ramona	F	23	Sept. 26, 1930	1/2	Head	Cedar City, Utah	None	None.
24	15	Swallow, George M.	M	74	1880	F	Head	Owyhee, Nev.	None	None.
25	16	Tom, Roy	M	56	1898	F	Head	Moccasin, Ariz.	None	None.
26	17	Wichetts, Eddie	M	62	1892	F	Head	Kanosh, Utah	None	None.

[F. R. Doc. 55-3024; Filed, Apr. 14, 1955; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10767-10769; FCC 55M-330]

TELEPHONE ANSWERING SERVICE ET AL.

ORDER CONTINUING HEARING

In re applications of Mrs. Pearl Forster, d/b as Telephone Answering Service, Dallas, Texas, Docket No. 10767, File No. 180-C2-P-53; Radio Paging, Dallas, Texas, Docket No. 10768, File No. 363-C2-P-53; George A. Smith, Jr., Dallas, Texas, Docket No. 10769, File No. 607-C2-P-53; for construction permit for oneway signaling base station in the Domestic Public Land Mobile Radio Service.

The Hearing Examiner having under consideration a petition, filed by George A. Smith, Jr., on April 7, 1955, requesting that the date of hearing now scheduled for April 11, 1955 be continued to April 28, 1955, for the reason that the parties are attempting to arrive at a stipulation of facts to make it unnecessary to produce witnesses; and

It appearing that additional time is needed to work out a stipulation and that the other parties are agreeable to an immediate grant of the petition;

It is ordered, This 8th day of April 1955, that the petition is granted; and that the hearing is continued and rescheduled to commence at 10:00 a. m., Thursday, April 28, 1955, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,

Secretary.

[F. R. Doc. 55-3104; Filed, Apr. 14, 1955; 8:46 a. m.]

[Docket No. 11332; FCC 55-438]

C. J. COMMUNITY SERVICES, INC.

ORDER CHANGING PLACE OF HEARING

In the matter of Cease and Desist Order to be directed against C. J. Community Services, Inc., Bridgeport, Washington; Docket No. 11332.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of April 1955;

The Commission having under consideration the hearing in the above-entitled matter now scheduled to be held in Seattle, Washington, on the 16th day of May 1955; and

It appearing that the convenience of the parties will be served by holding the hearings in Wenatchee, Washington;

It is ordered, That the hearing in the above-entitled matter be held at a place to be specified later in Wenatchee, Washington, at 10:00 a. m., on the 16th day of May 1955.

Released: April 8, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,

Secretary.

[F. R. Doc. 55-3105; Filed, Apr. 14, 1955; 8:46 a. m.]

[Docket Nos. 11337-11356; FCC 55-439]

R. E. DARWOOD ET AL.

ORDER CHANGING PLACE OF HEARING

In the matter of Cease and Desist Orders to be directed against R. E. Darwood, Star Route, Quincy, Wash., Docket No. 11337; A. M. Floyd, Box 693, Quincy, Wash., Docket No. 11338; Jake Groot, Box 702, Quincy, Wash., Docket No. 11339; James Huffman, Box 37, Quincy, Wash., Docket No. 11340; Gordon G. Kliever, Box 694, Quincy, Wash., Docket No. 11341; C. F. Koenig, Box 805, Quincy, Wash., Docket No. 11342; Edward Myers, Box 1017, Quincy, Wash., Docket No. 11343; Marvin Musgrove, Box 913, Quincy, Wash., Docket No. 11344; Ernest Schorzman, Box 875, Quincy, Wash., Docket No. 11345; Leonard W. Schorzman, Box 1005, Quincy, Wash., Docket No. 11346; Fred Schulz, Box 474, Quincy, Wash., Docket No. 11347; Herman Schulz, Box 951, Quincy, Wash., Docket No. 11348; R. H. Simmons, Box 944, Quincy, Wash., Docket No. 11349; W. H. Turnbull, Box 507, Quincy, Wash., Docket No. 11350; A. C. Watson, Box 825, Quincy, Wash., Docket No. 11351; Clarence Weber, Star Route, Quincy, Wash., Docket No. 11352; Harold Weber, Box 406, Quincy, Wash., Docket No. 11353; W. R. Cordell, Star Route, Quincy, Wash., Docket No. 11354; Paul Mancke, Box 923, Quincy, Wash., Docket No. 11355; J. E. Burns, Box 926, Quincy, Wash., Docket No. 11356.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of April 1955;

The Commission having under consideration the hearing in the above-entitled matter now scheduled to be held

in Seattle, Washington, on the 9th day of May 1955; and

It appearing that the convenience of the parties will be served by holding the hearings in Wenatchee, Washington;

It is ordered, That the hearing in the above-entitled matter be held at a place to be specified later in Wenatchee, Washington, at 10:00 a. m., on the 9th day of May 1955.

Released: April 8, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,

Secretary.

[F. R. Doc. 55-3106; Filed, Apr. 14, 1955; 8:46 a. m.]

[Docket No. 11357; FCC 55-440]

H. J. MILLER

ORDER CHANGING PLACE OF HEARING

In the matter of Cease and Desist Order to be directed against H. J. Miller, Box A, Nespelem, Washington; Docket No. 11357.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of April 1955;

The Commission having under consideration the hearing in the above-entitled matter now scheduled to be held in Seattle, Washington, on the 12th day of May 1955; and

It appearing that the convenience of the parties will be served by holding the hearings in Wenatchee, Washington;

It is ordered, That the hearing in the above-entitled matter be held at a place to be specified later in Wenatchee, Washington, at 10:00 a. m., on the 12th day of May 1955.

Released: April 8, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,

Secretary.

[F. R. Doc. 55-3107; Filed, Apr. 14, 1955; 8:46 a. m.]

[Docket No. 11360; FCC 55-431]

MOUNTAIN STATE BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Mountain State Broadcasting Co., Inc., Morgantown,

West Virginia, for construction permit; Docket No. 11360, File No. BP-9471.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of April 1955;

The Commission having under consideration the above-entitled application of Mountain State Broadcasting Co., Inc., for a construction permit for a new standard broadcast station to operate on 1470 kilocycles with a power of 1 kilowatt, daytime only, at Morgantown, West Virginia;

It appearing that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, but that the application may not comply with the Standards of Good Engineering Practice, particularly with reference to overlap of the 2 mv/m contour of the subject proposal with the 25 mv/m contour of Station WVVW, Fairmont, West Virginia; and may cause interference within the 0.5 mv/m normally protected daytime contour of Station WVVW; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated October 22, 1954 of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that the applicant filed a reply on March 11, 1955 and requested that its application be designated for hearing; and

It further appearing that on October 27, 1954 the Fairmont Broadcasting Company, licensee of Station WVVW, filed a request that the subject application be designated for hearing; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which will be served by the operation of the subject proposed station; and the availability of other primary service to such areas and populations.

2. To determine whether the installation and operation of the subject proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to whether its 2 mv/m contour would overlap the 25 mv/m contour of Station WVVW, Fairmont, West Virginia.

3. To determine whether operation of the subject proposed station would involve interference with Station WVVW, Fairmont, West Virginia, or with any other existing standard broadcast station, and, if so, the nature and extent of such interference.

4. To determine, whether in light of the evidence adduced pursuant to the foregoing issue, the operation of the station proposed by the subject applicant would serve the public interest, convenience and necessity.

It is further ordered, That the Fairmont Broadcasting Company, licensee of Station WVVW, Fairmont, West Virginia, is made a party to the proceeding.

Released: April 8, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3108; Filed, Apr. 14, 1955;
8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 30476]

PHOSPHATE ROCK FROM FLORIDA TO NEW
MEXICO AND TEXAS

APPLICATION FOR RELIEF

APRIL 12, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Atlantic Coast Line Railroad Company tariff I. C. C. B-3232 and Seaboard Air Line Railroad Company tariff I. C. C. A-8153.

Commodities involved: Phosphate rock, ground or not ground, slush and floats, and soft phosphate, not acidulated nor ammoniated, carloads.

From: Bartow, Fla., and other points in Florida named in the aforesaid tariffs.

To: Specified points in New Mexico and Texas described in the application.

Grounds for relief: Circuitous routes, and additional routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of

an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-3117; Filed, Apr. 14, 1955;
8:49 a. m.]

[4th Sec. Application 30477]

PHOSPHATE ROCK FROM FLORIDA TO BATON
ROUGE, LA., AND VIRGINIA

APPLICATION FOR RELIEF

APRIL 12, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Atlantic Coast Line Railroad Company tariff I. C. C. B-3232, and Seaboard Air Line Railroad Company tariff I. C. C. A-8153.

Commodities involved: Phosphate rock, ground or not ground, slush and floats, and soft phosphate, not acidulated nor ammoniated, carloads.

From: Bartow, Fla., and other points in Florida.

To: Baton Rouge, La., Bells Lane, Va., and seven other points in Virginia named in the application.

Grounds for relief: Carrier competition and circuitry. Rates constructed on short-line distance formula, and additional routes to Baton Rouge.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-3118; Filed, Apr. 14, 1955;
8:49 a. m.]